



भारत का राजपत्र

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सं. 50] नई दिल्ली, दिसम्बर 7—दिसम्बर 13, 2014, शनिवार/अग्रहायण 16—अग्रहायण 22, 1936

No. 50] NEW DELHI, DECEMBER 7—DECEMBER 13, 2014, SATURDAY/AGRAHAYANA 16—AGRAHAYANA 22, 1936

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सार्विधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India

(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 11 नवम्बर, 2014

का.आ. 3178.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उप-धारा (1) के खंड (ड) के उप-खंड (i) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, डॉ. हसमुख अडिया, सचिव, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, नई दिल्ली को तत्काल प्रभाव से और अगले आदेशों तक श्री गुरदयाल सिंह संधू के स्थान पर भारतीय निर्यात-आयात बैंक के निदेशक मण्डल में निदेशक के पद पर नामित करती है।

[सं. 9/16/2012-आईएफ-I]

गोविन्द राम, अवर सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 11th November, 2014

S.O. 3178.—In pursuance of sub-clause (i) of clause (e) of sub-section (1) of Section 6 of the Export Import Bank of India Act, 1981 (28 of 1981), Central Government hereby nominates Dr. Hasmukh Adhia, Secretary, Department of Financial Services, Ministry of Finance, New Delhi as a Director on the Board of Directors of Export Import Bank of India with immediate effect and until further orders vice Shri Gurdial Singh Sandhu.

[No. 9/16/2012-IF-I]

GOVIND RAM, Under Secy.

रसायन और उर्वरक मंत्रालय

(रसायन एवं पेट्रोरसायन विभाग)

नई दिल्ली, 26 नवम्बर, 2014

का.आ. 3179.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में रसायन और उर्वरक मंत्रालय, रसायन एवं पेट्रोरसायन विभाग के नियंत्रणाधीन ग क्षेत्र में स्थित हिन्दुस्तान इन्सेक्टिसाइड्स लिमिटेड, उद्योग मंडल यूनिट, जिसके 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. ई-11012/01/2014-हिन्दी]

गुलशन लाल चौपड़ा, संयुक्त निदेशक (राजभाषा)

MINISTRY OF CHEMICALS AND FERTILIZERS

(Department of Chemicals and Petrochemicals)

New Delhi, the 26th November, 2014

S.O. 3179.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notify Hindustan Insecticides Limited (HIL) Unit which is located in region C under the administrative control of Ministry of Chemicals and Fertilizers, Department of Chemicals & Petrochemicals, whereas the 80% staff have acquired the working knowledge of Hindi.

[No. E-11012/01/2014-Hindi]

GULSHAN LAL CHOPRA, Jt. Director (OL)

नई दिल्ली, 12 दिसम्बर, 2014

का.आ. 3180.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में उक्त अधिनियम के अधीन गुजरात राज्य के भीतर गेल (इण्डिया) लिमिटेड की सभी पाइपलाईनों के लिए सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिए श्रीमती मीनाक्षी सिंह, संयुक्त कलेक्टर, मध्य प्रदेश सरकार, को प्राधिकृत करती है।

[सं. एल-14014/39/ '14-जी.पी.-II]

एस. पी. अग्रवाल, अवर सचिव

New Delhi, the 12th December, 2014

S.O. 3180.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Central Government hereby authorizes Smt. Meenakshi Singh, Joint Collector, Government of Madhya Pradesh to perform the functions of Competent Authority for all pipelines of GAIL (India) Limited, under the said Act, within Gujarat State.

[No. L-14014/39/14-GP-II]

S. P. AGARWAL, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 14 नवम्बर, 2014

का.आ. 3181.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतदद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्थापित हो गये हैं।

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	स्थापित तिथि	भारतीय मानक (कों) जो कि रद्द होने हैं, अगर हैं, की संख्या वर्ष और शीर्षक	रद्द होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	आई एस 2500 (भाग 4) : 2014/आई एस ओ 2859-3 : 2005 लक्षणों द्वारा निरीक्षण के नमूने लेने की प्रक्रियाएं भाग 4 क्रमहीन लॉट नमूने लेने की प्रक्रियाएं	14 नवम्बर, 2014	NA	NA
2.	आई एस 2500 (भाग 6) : 2014/आई एस ओ 2859-5 : 2005 लक्षणों द्वारा निरीक्षण के नमूने लेने की प्रक्रियाएं भाग 6 लॉट-दर-लॉट निरीक्षण के लिए स्वीकार्य गुणता सीमा (ए क्यू एल) द्वारा सूचकांक अनुक्रमिक नमूने लेने की योजनाओं की प्रणाली	14 नवम्बर, 2014	NA	NA
3.	आई एस 3913 : 2014 जलमिति — निर्लंबित तलछट सैम्प्लरों की कार्यकारिता अपेक्षाएं	14 नवम्बर, 2014	आई एस 3913 : 2005 आई एस ओ 3716 : 1977 (पहला पुनरीक्षण)	14 नवम्बर, 2014
	एवं गुणधर्म (दूसरा पुनरीक्षण)			
4.	आई एस 6293 : 2014/आई एस ओ 1703 : 2005 स्क्रू एवं एसेम्बली के औजार — अभिनाम तथा नामावली (तीसरा पुनरीक्षण)	14 नवम्बर, 2014	आई एस 6293 : 1996 (दूसरा पुनरीक्षण)	14 नवम्बर, 2014
5.	आई एस 7913 : 2014/आई एस ओ 721 : 1991 रॉक ड्रिलिंग उपकरण — अभिन्न स्टेम (पहला पुनरीक्षण)	14 नवम्बर, 2014	आई एस 7913 : 1975	14 नवम्बर, 2014
6.	आई एस/आई एस ओ 9554 : 2010 रेशों से बनी रस्सियां — सामान्य विशिष्टियां	14 नवम्बर, 2014	NA	NA
7.	आई एस/आई एस ओ/टीआर 10217 : 1989 सोलर ऊर्जा — जल ताप पद्धतियां — आंतरिक संरक्षण के संबंध में सामग्री चयन हेतु मार्गदर्शिका	14 नवम्बर, 2014	NA	NA
8.	आई एस/आई एस ओ 110066 : 2014 रेशों से बनी रस्सियां — पॉलीएस्टर 3-, 4-, 8- तथा 12- लड़ वाली रस्सियां (दूसरा पुनरीक्षण)	14 नवम्बर, 2014	आई एस 110066 : 1995 (पहला पुनरीक्षण)	14 नवम्बर, 2014
9.	आई एस 11239 भाग 4 : 2014/आई एस ओ 1663 : 2000 दृढ़ जालीदार तापीय ऊष्मारोधी सामग्री की परीक्षण पद्धति भाग 4 जलवाष्प संचरण दर (पहला पुनरीक्षण)	14 नवम्बर, 2014	आई एस 11239 (भाग 4) : 1985	14 नवम्बर, 2014

(1)	(2)	(3)	(4)	(5)
10.	आई एस 11740 : 2014/ आई एस ओ 10190 : 2008 मोटरसाइकिल चेन — विशेषताओं और परीक्षण के तरीके (पहला पुनरीक्षण)	14 नवम्बर, 2014	आई एस 11740 : 1986	14 नवम्बर, 2014
11.	आई एस 13450 (भाग 2/अनुभाग 18) : 2014/ आई ई सी 60601-2-18 : 2009 चिकित्सीय विद्युत उपस्कर भाग 2 बुनियादी सुरक्षा एवं आवश्यक निष्पादन के लिए विशिष्ट अपेक्षाएं अनुभाग 18 अन्दोस्कोपिक उपस्कर	14 नवम्बर, 2014	NA	NA
12.	आई एस/आई एस ओ/आई ई सी 13567-3 : 1999 तकनीकी उत्पाद प्रलेखन — सी ए डी की परतों का संघटन एवं नामकरण भाग 3 आई एस/आई एस ओ 13567-1 एवं आई एस/आई एस ओ 13567-2 का अनुप्रयोग	14 नवम्बर, 2014	NA	NA
13.	आई एस 15772 : 2014/आई एस ओ 9825 : 2005 जलमिति — बड़ी नदियों तथा बाढ़ वाली नदियों के निस्परण का फील्ड में मापन (पहला पुनरीक्षण)	14 नवम्बर, 2014	आई एस 15772 : 2008	14 नवम्बर, 2014
14.	आई एस 16139 (भाग 1) : 2014/ आई एस ओ 17734-1 : 2006 कार्यस्थल पर वायु — द्रव क्रोमेटोग्राफी और द्रव्यमान स्पेक्ट्रोमीटरी के प्रयोग द्वारा आर्गेनोनाइट्रोजेन वायु में यौगिक ज्ञात करना भाग 1 डाइब्यूटाइलेमीन व्युत्पन्न का प्रयोग करके आइसोसायानेट्स ज्ञात करना	14 नवम्बर, 2014	NA	NA
15.	आई एस 16139 (भाग 2) : 2014/ आई एस ओ 17734-2 : 2006 कार्यस्थल पर वायु — द्रव क्रोमेटोग्राफी और द्रव्यमान स्पेक्ट्रोमीटरी के प्रयोग द्वारा आर्गेनोनाइट्रोजेन वायु में यौगिक ज्ञात करना भाग 2 डाइब्यूटाइलेमीन एवं एथिल क्लोरोफॉर्मेट व्युत्पन्नों का प्रयोग करके एमीन एवं एमीनोआइसोसायानेट्स ज्ञात करना	14 नवम्बर, 2014	NA	NA
16.	आई एस 16152 : 2014/आई एस ओ 7535 : 1984 क्रियाशील अनकर्ताएं — घरेलू मशीन बर्तन धोने के लिए डिटर्जेंट — कार्य निष्पादन के तुलनात्मक परीक्षण के लिए गाइड	14 नवम्बर, 2014	NA	NA
17.	आई एस 16191 : 2014 ईधन — ज्वलित तैलीय भटियों के लिए सुरक्षा	14 नवम्बर, 2014	NA	NA
18.	आई एस 16247 : 2014/आई एस ओ 6141 : 2000 गैस विश्लेषण — अंशांकन गैसों और गैस मिश्रणों के प्रमाण पत्र के लिए आवश्यकताएं	14 नवम्बर, 2014	NA	NA
19.	आई एस 16248 : 2014/आई एस ओ 6144 : 2003 गैस विश्लेषण — अंशांकन गैस मिश्रण तैयार करना — स्थैतिक आयतनी पद्धति	14 नवम्बर, 2014	NA	NA

(1)	(2)	(3)	(4)	(5)
20.	आई एस 16264 : 2014/आई एस ओ 6143 : 2001 गैस विश्लेषण — अंशशोधन गैस के मिश्रण की संरचना का निर्धारण और जांच करने के लिए तुलनात्मक तरीके	14 नवम्बर, 2014	NA	NA
21.	आई एस 16281 (भाग 4) : 2014/आई एस ओ/आई ई सी 19785-4 : 2010 सूचना प्रौद्योगिकी — सामान्य बॉयोमीट्रिक विनियम प्रारूप फ्रेम वर्क भाग 4 सुरक्षा ब्लॉक प्रारूप निर्दिष्टीकरण	14 नवम्बर, 2014	NA	NA
22.	आई एस 16142 : 2014/आई एस ओ 16664 : 2004 गैस विश्लेषण — अंशांकन गैसों और गैस के मिश्रण की हैंडलिंग — दिशानिर्देश	14 नवम्बर, 2014	NA	NA
23.	आई एस 16302 : 2014 चिकित्सीय वस्त्रादि — विरूपशोधन स्टाकिनेट — विशिष्टि	14 नवम्बर, 2014	NA	NA
24.	आई एस 17931 : 2013 इंटेलिजेंट परिवहन प्रणाली — सहकारी आईटीएस के अनुप्रयोगों के लिए स्थानीय डायनामिक नक्शे का नक्शा डेटाबेस विशिष्टियों का विस्तार	14 नवम्बर, 2014	NA	NA
25.	आई एस/आई एस ओ 20743 : 2013 वस्त्रादि — वस्त्रादि उत्पादों के प्रति बैक्टिरिया कार्यकलापों का निर्धारण	14 नवम्बर, 2014	NA	NA
26.	आई एस/आई एस ओ 24014-1 : 2007 सार्वजनिक परिवहन — अंतर भाड़ा प्रबंध प्रणाली भाग 1 वास्तुकि	14 नवम्बर, 2014	NA	NA
27.	आई एस/आई ई सी 60044-7 : 1999 उपकरण ट्रांसफार्मर भाग 7 विद्युत वोल्टता ट्रांसफार्मर	14 नवम्बर, 2014	NA	NA
28.	आई एस/आई ई सी 80000-13 : 2008 मात्रा एवं इकाइयां भाग 13 सूचना विज्ञान एवं प्रौद्योगिकी	14 नवम्बर, 2014	NA	NA

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तापुरम में ब्रिकी हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ सं. पीयूबी/जीएन-1 : 3]

कला एम वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 14th November, 2014

S.O. 3181.—In pursuance of Clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the second column of Schedule hereto annexed has been established on the date indicated against it in third column. The particulars of the standards, if any, which are given in the fourth column shall also remain in force concurrently till they are cancelled on the date indicated against them in the fifth column.

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	Date of Established	No. & Year of the Indian Standards to be cancelled, if any	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1	IS 2500 (Part 4) : 2014/ISO 2859-3 : 2005 Sampling Procedures for Inspection by Attributes Part 4 Skip-Lot Sampling Procedures	14 November, 2014	NA	NA
2.	IS 2500 (Part 6) : 2014/ISO 2859-5 : 2005 Sampling Procedures for Inspection by Attributes Part 6 System of Sequential Sampling Plans Indexed by Acceptance Quality Limit (AQL) for Lot-by-Lot Inspection	14 November, 2014	NA	NA
3.	IS 3913 : 2014 Hydrometry - Functional Requirements and Characteristics of Suspended - Sediment Samplers (Second Revision)	14 November, 2014	IS 3913 : 2005/ ISO 3716 : 1977 (First Revision)	14 November, 2014
4.	IS 6293 : 2014/ISO 1703 : 2005 Assembly Tools for Screws and Nuts - Designation and Nomenclature (Third Revision)	14 November, 2014	IS 6293 : 1996 (Second Revision)	14 November, 2014
5.	IS 7913 : 2014/ISO 721 : 1991 Rock Drilling Equipment - Integral Stems (First Revision)	14 November, 2014	IS 7913 : 1975	14 November, 2014
6.	IS/ISO 9554 : 2010 Fibre Ropes - General Specifications	14 November, 2014	NA	NA
7.	IS/ISO/TR 10217 : 1989 Solar Energy - Water Heating Systems - Guide to Material Selection with Regard to Internal Corrosion	14 November, 2014	NA	NA
8.	IS 11066 : 2014/ISO 1141 : 2012 Fibre Ropes - Polyester - 3-, 4-, 8- and 12- Strand Ropes (Second Revision)	14 November, 2014	IS 11066 : 1995 (First Revision)	14 November, 2014
9.	IS 11239 (Part 4) : 2014/ISO 1663 : 2007 Method of Test for Rigid Cellular Thermal Insulation Materials Part 4 Water Vapour Transmission Rate (First Revision)	14 November, 2014	IS 11239 (Part 4) : 1985	14 November, 2014
10.	IS 11740 : 2014/ISO 10190 : 2008 Motorcycle Chains - Characteristics and Test Methods (First Revision)	14 November, 2014	IS 11740 : 1986	14 November, 2014
11.	IS 13450 (Part 2/Sec 18) : 2014/IEC 60601-2-18 : 2009 Medical Electrical Equipment Part 2 Particular Requirements for the Basic Safety and Essential Performance Section 18 Endoscopic Equipment	14 November, 2014	NA	NA

(1)	(2)	(3)	(4)	(5)
12.	IS/ISO/TR 13567-3 : 1999 Technical Product Documentation - Organization and Naming of Layers for CAD Part 3 Application of IS/ISO 13567-1 and IS/ISO 13567-2	14 November, 2014	NA	NA
13.	IS 15772 : 2014/ISO 9825 : 2005 Hydrometry- Field Measurement of Discharge in Large Rivers and Rivers in Flood (First Revision)	14 November, 2014	IS 15772 : 2008	14 November, 2014
14.	IS 16139 (Part 1) : 2014/ISO 17734-1 : 2006 Workplace Air - Determination of Organonitrogen Compounds in Air Using Liquid Chromatography and Mass Spectrometry Part 1 Isocyanates Using Dibutylamine Derivatives	14 November, 2014	NA	NA
15.	IS 16139 (Part 2) : 2014/ISO 17734-2 : 2006 Workplace Air - Determination of Organonitrogen Compounds in Air Using Liquid Chromatography and Mass Spectrometry Part 2 Amines and Aminoisocyanates Using Dibutylamine and Ethyl Chloroformate Derivatives	14 November, 2014	NA	NA
16.	IS 16152 : 2014/ISO 7535 : 1984 Surface Active Agents - Detergents for Domestic Machine Dishwashing - Guide for Comparative Testing of Performance	14 November, 2014	NA	NA
17.	IS 16191 : 2014 Safety for Oil Fired Furnaces	14 November, 2014	NA	NA
18.	IS 16247 : 2014/ISO 6141 : 2000 Gas Analysis - Requirements for Certificates for Calibration Gases and Gas Mixtures	14 November, 2014	NA	NA
19.	IS 16248 : 2014/ISO 6144 : 2003 Gas Analysis - Preparation of Calibration Gas Mixtures - Static Volumetric Method	14 November, 2014	NA	NA
20.	IS 16264 : 2014/ISO 6143 : 2001 Gas Analysis - Comparison Methods for Determining and Checking the Composition of Calibration Gas Mixtures	14 November, 2014	NA	NA
21.	IS 16281 (Part 4) : 2014/ISO/IEC 19785-4 : 2010 Information Technology - Common Biometric Exchange Formats Framework Part 4 Security Block Format Specifications	14 November, 2014	NA	NA
22.	IS 16142 : 2014/ISO 16664 : 2004 Gas Analysis - Handling of Calibration Gases and Gas Mixtures - Guidelines	14 November, 2014	NA	NA
23.	IS 16302 : 2014 Medical Textiles - Orthopaedic Stockinet - Specification	14 November, 2014	NA	NA
24.	IS/ISO/TS 17931 : 2013 Intelligent Transport Systems - Extension of Map Database Specification for Local Dynamic Map for Applications of Cooperative ITS	14 November, 2014	NA	NA

(1)	(2)	(3)	(4)	(5)
25.	IS/ISO 20743 : 2013 Textiles - Determination of Antibacterial Activity of Textile Products	14 November, 2014	NA	NA
26.	IS/ISO 24014-1 : 2007 Public Transport - Interoperable Fare Management System Part 1 Architecture	14 November, 2014	NA	NA
27.	IS/IEC 60044-7 : 1999 Instrument Transformers Part 7 Electronic Voltage Transformers	14 November, 2014	NA	NA
28.	IS/IEC 80000-13 : 2008 Quantities and Units Part 13 Information Science and Technology	14 November, 2014	NA	NA

Copies of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Nagpur, Patna, Pune, Kochi.

[Ref. PUB/GN-1:3]

KALA M. VARIAR, Director (Foreign Languages & Publication)

नई दिल्ली, 19 नवम्बर, 2014

का.आ. 3182.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गये हैं।

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	स्थापित तिथि	भारतीय मानक (कों) जो कि रद्द होने हैं, अगर हैं, की संख्या वर्ष और शीर्षक	रद्द होने की तिथि
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(1)	(2)	(3)	(4)	(5)
1.	आई एस 550 (भाग 1) : 2014 तिजारियां भाग 1 विशिष्टि (पांचवा पुनरीक्षण)	19 नवम्बर, 2014	आई एस 550 (भाग 1) : 2003 (चौथा पुनरीक्षण)	19 नवम्बर, 2015
2.	आई एस 5244 : 2014 सुरक्षा जमा लाकर केबिनेट - (तीसरा पुनरीक्षण)	19 नवम्बर, 2014	आई एस 5244 : 1991 (दूसरा पुनरीक्षण)	19 नवम्बर, 2015
3.	आई एस 5531 : 2013 पानी और मल जल की दबाव पाइपों के एस्बेर्टोस सीमेंट के लिए ढलवा लोहे के घटक - विशिष्टि (तीसरा पुनरीक्षण)	19 नवम्बर, 2014	आई एस 5531 : 1991 (दूसरा पुनरीक्षण)	19 जनवरी, 2015
4.	आई एस 7098 (भाग 2) : 2011 क्रॉसलिंकेड पोलिथिलीन विद्युत रोधित थर्मोप्लास्टिक की खोल वाली केबल - विशिष्टि भाग 2 3.3 कि.वा. से 33 कि.वा. तक की कार्यकारी वोल्टता के लिए (दूसरा पुनरीक्षण)	19 नवम्बर, 2014	आई एस 7098 (भाग 2) : 1985 (पहला पुनरीक्षण)	19 फरवरी, 2015

(1)	(2)	(3)	(4)	(5)
5.	आई एस 11188 (भाग 1) : 2014 वाल्व (कक्ष - कोष) भाग 1 दरवाजे - विशिष्टि (दूसरा पुनरीक्षण)	19 नवम्बर, 2014	आई एस 11188 (भाग 1) : 1991 (पहला पुनरीक्षण)	19 नवम्बर, 2015
6.	आई एस 13730 (भाग 8) : 2014/ आई ई सी 60317-8 : 2010 विशेष प्रकार की कुंडलण तारों की विशिष्टि भाग 8 रीमाईड पोलीएस्टे इनैमलिड तांबा तारें, वर्ग 180 (पहला पुनरीक्षण)	19 नवम्बर, 2014	आई एस 13730 (भाग 8) : 1996	19 नवम्बर, 2015
7.	आई एस 13730 (भाग 13) : 2014/ आई ई सी 60317-13 : 2010 विशेष प्रकार की कुंडलण तारों की विशिष्टियां भाग 13 रीमाईडपोलीएस्ट- इमाईड इनैमलिट सहित पोलीएस्टर या पोलीएस्टेटाइमाईड से लेपित गोलाकार तांबा तारें, वर्ग 200 (पहला पुनरीक्षण)	19 नवम्बर, 2014	आई एस 13730 (भाग 13) : 1993	19 मई, 2015
8.	आई एस 14561 : 2014 (उष्मारोधी) अग्नि प्रतिरोधी फाइलिंग केबिनेट - विशिष्टि (दूसरा पुनरीक्षण)	19 नवम्बर, 2014	आई एस 14561 : 2007 (पहला पुनरीक्षण)	19 जनवरी, 2015

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110 002 क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में ब्रिकी हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ सं. पीयूबी/एसटीडी 2 : 1]

कला एम वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

New Delhi, the 19th November, 2014

S.O. 3182.—In pursuance of Clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the second column of Schedule hereto annexed has been established on the date indicated against it in third column. The particulars of the standards, if any, which are given in the fourth column shall also remain in force concurrently till they are cancelled on the date indicated against them in the fifth column.

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	Date of Established	No. & Year of the Indian Standards to be cancelled, if any	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	IS 550 (Part 1) : 2014 Safes Part 1 Specification (Fifth Revision)	19 November, 2014	IS 550 (Part 1) : 2003 (Fourth Revision)	19 November, 2015

(1)	(2)	(3)	(4)	(5)
2.	IS 5244 : 2014 Safe Deposit Locker Cabinets - Specification (Third Revision)	19 November, 2014	IS 5244 : 1991 (Second Revision)	19 November, 2015
3.	IS 5531 : 2013 Cast Iron Specials for Asbestos Cement Pressure Pipes for Water and Sewage – Specification (Third Revision)	19 November, 2014	IS 5531 : 1988 (Second Revision)	19 January, 2015
4.	IS 7098 (Part 2) : 2011 Crosslinked Polyethylene Insulated Thermoplastic Sheathed Cables - Specification Part 2 for Working Voltages from 3.3 kV up to and Including 33 kV (Second Revision)	19 November, 2014	IS 7098 (Part 2) : 1985 (First Revision)	19 February, 2015
5.	IS 11188 (Part 1) : 2014 Vault (Strong Room) Doors Part 1 Specification (Second Revision)	19 November, 2014	IS 11188 (Part 1) : 1991 (First Revision)	19 November, 2015
6.	IS 13730 (Part 8) : 2014/ IEC 60317-8 : 2010 Specification for Particular Types of Winding Wires Part 8 Polyesterimide Enamelled Round Copper Wire, Class 180 (First Revision)	19 November, 2014	IS 13730 (Part 8) : 1996	19 November, 2015
7.	IS 13730 (Part 13) : 2014/ IEC 60317-13 : 2010 Specification for Particular Types of Winding Wires Part 13 Polyester of Polyesterimide Overcoated with Polyamide-Imide Enamelled Round Copper Wire Class 200 (First Revision)	19 November, 2014	IS 13730 (Part 13) : 1993	19 May, 2015
8.	IS 14561 : 2014 Fire Resisting (Insulating) Filing Cabinets - Specification (Second Revision)	19 November, 2014	IS 14561 : 2007 (First Revision)	19 November, 2015

Copies of these standards are available for sale with the Bureau of Indian Standards, ManakBhavan, 9, Bahadur Shah ZafarMarg, New Delhi – 110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Nagpur, Patna, Pune, Kochi.

[Ref. PUB/STD 2 : 1]

KALA M. VARIAR, Director (Foreign Languages & Publication)

नई दिल्ली, 26 नवम्बर, 2014

का.आ. 3183.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गये हैं।

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	स्थापित तिथि	भारतीय मानक (कों) जो कि रद्द होने हैं, अगर हैं, की संख्या वर्ष और शीर्षक	रद्द होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	आई एस 694 : 2010 450/750 वो की और तक की कार्यकारिता वोल्टेज के लिए दृढ़ एवं लचीले चालक वाली पोलिविनायल क्लोराइड से विद्युतरोधित अनावरित और आवरित केबल/डोरी संशोधन सं. 1 और 2 के साथ (चौथा पुनरीक्षण)	26 नवम्बर, 2014	आई एस 694 : 1990	1 मार्च, 2015

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110 002 क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकत्ता, चंडीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तापुरम में ब्रिकी हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ सं. पीयूषी/जीएन/694]

कला एम वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

New Delhi, the 26th November, 2014

S.O. 3183.—In pursuance of Clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the second column of Schedule hereto annexed has been established on the date indicated against it in third column. The particulars of the standards, if any, which are given in the fourth column shall also remain in force concurrently till they are cancelled on the date indicated against them in the fifth column.

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	Date of Established	No. & Year of the Indian Standards to be cancelled, if any	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1	IS 694 : 2010 Polyvinyl Chloride Insulated Unsheathed and Sheathed Cables/Cords with Rigid and Flexible Conductor for Rated Voltages up to and Including 450/750 V (Fourth Revision) with Amendment Nos. 1 & 2	26 November, 2014	IS 694 : 1990	1 March, 2015

Copies of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi – 110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Nagpur, Patna, Pune, Kochi.

[Ref. PUB/GN/694]

KALA M. VARIAR, Director (Foreign Languages & Publication)

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 5 दिसम्बर, 2014

का.आ. 3184.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इ. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 16/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/12/2014 को प्राप्त हुआ था।

[सं. एल-22012/56/1998-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 5th December, 2014

S.O. 3184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.16/1999 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of Satgram Colliery of M/s. ECL, and their workmen, received by the Central Government on 05/12/2014.

[No. L-22012/56/1998 - IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 16 OF 1999

PARTIES: The management of New Satgram Colliery, ECL
Vs.
Sri Madan Prasad Sinha and 219 others

REPRESENTATIVES:

For the management: Sri P. K. Das, Ld. Advocate
For the union (Workman): Sri S. K. Pandey, General Secretary

INDUSTRY: COAL STATE: WEST BENGAL

Dated: 27.11.2014

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **No. L-22012/56/98/IR(CM-II)** dated 21.01.1998 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDEULE

“Whether the action of the management of New Satgram Colliery of M/s. ECL in terminating the services of Sh. Madan Prasad Sinha and 219 others (list enclosed) is legal and justified? If not, to what relief are the workmen entitled?

Having received the Order **No. L-22012/56/98/IR(CM-II)** dated 21.01.1998 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. **16 of 1999** was registered on 02.02.1999. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by

the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

The union has stated in their statement that Sri Madan Prasad Sinha and 219 Others, details given in the annexure, were in the employment at New Satgram Colliery under Satgram (R) Colliery under Satgram Project (now Satgram Area) of M/s. ECL. They were regular employees of erstwhile management. It will be clear from Form 'H' return of quarter ending December, 1972. After enactment of the Coal Mines Nationalization Act, 1973 the said colliery was vested with the Central Government. All employees including 220 employees named in the reference became the employees of CMAL. These 220 employees received their respective wages upto 26th January 1994. They also received their due bonus payable under the Coal Mine Bonus Scheme from the said colliery. Their services were wrongfully terminated by the then Sub-Area Manager of Satgram sub-area vide letter dated 06.02.1974. The contents of the letter are reproduced below:-

“As you were inducted in the colliery after the take-over of mines by the Central Government you are not employees of the colliery and you are hereby informed that your name which was illegally entered in the books of the colliery has been struck off. You cease to have any connection whatsoever with the colliery from immediate effect. You are directed to leave the colliery premises immediately.”

All the employees named in the list were under the employment of the company before nationalization. After nationalization they became employees of the CMAL they were allotted CMPF account number by the CMPF commissioner which is shown against their name. Management of ECL (New Satgram Colliery) did not follow the prescribed procedure as per provision contained in the standing order applicable to the concerned employees. Workmen were never issued charge sheet. There was no departmental enquiry held against the employees. Without following any legal formalities and provisions of standing order employees were terminated. During reconciliation proceeding before the Assistant Labour Commissioner (Central), Raniganj the management of New Satgram Colliery was directed to produce all the documents, registers and CMPF records before the Conciliatory Forum. But management failed to produce any document and pleaded that the same were not available and can not be produced. The union of the workmen has prayed that the management of New Satgram Colliery under Satgram Area (R), Colliery of M/s. ECL be directed to reinstate the services of all the 220 workmen as per list with all back wages and all consequential benefits right from the date of the termination till the date of their resumption of duty and in addition management be directed that management should pay monetary assistance for wrongful penalization and victimization.

Management in his written statement denied the allegation of employees. Management has stated that all coal mines in the county were nationalized under the provisions of Coal Mines (Nationalization) Act, 1973. The said colliery namely New Satgram Colliery was also nationalized. After nationalization it was not physically possible for the officers of the management to check the company's documents which came into possession of the custodian, at the time of taking over. On checking the records it transpired that large number of persons although were never in the employment of the said colliery, viz. New Satgram Colliery, were inducted in the colliery unlawfully and surreptitiously with the connivance and conspiracy of the employers of the erstwhile colliery. Said workmen were never in the employment of the said colliery prior to taking over of the management and/or after the nationalization of the said colliery. Form 'B' Register maintained under the Mines Rules 1955 framed under the Mines Act, 1952. Names of 2533 employees were mentioned out of which 250 persons left employment. From the register it is clear that the last person was appointed on 20th February, 1972 and thereafter none was appointed by the erstwhile management. The said Form 'B' register does not contain the name of any of the workman who have raised the Industrial Reference. After nationalization no new appointments were made. After takeover of the colliery some payments were made on the basis of fabricated Form 'B' registers which were not maintained in accordance to the Mine Rules 1955. Form 'H' return referred by the alleged workmen were found not to be genuine. Form 'H' is the form to be submitted by the management to the P.F. Commissioner. Alleged employees were working under false and fabricated records illegally and the management after nationalization for a short period paid the said alleged workmen. It is further stated that section 14 as it originally stood was deleted by the Coal Mines Nationalization Laws (amendment) Act, 1986 with retrospective effects and the right which accrued to an employee who was a workman within the meaning of Industrial Dispute Act to the taken over by the Government Company, was taken away. It was old section 14 (1) of 1993 which has vested the right of absorption if at all accruing to the alleged workmen in the Government companies. By the Amendment Act of 1986 this right totally stood extinguished and was not available to the alleged workmen. Therefore in 1999 when the reference is made original Section 14 no longer exist on the Statue Book. Management has stated that on nationalization and takeover all the workmen were absorbed. But on receipt of complaints of false entries and false books proper investigation was setup under Sri S.K. Sanyal and Sri A.K. Dutta, officers of the company. The said investigating officers found the register including Form 'B' Register did not contain the name of the alleged workmen. Form 'H' return of the quarter ending December, 1972 was also found to be forged document. Many other register which were there were also found fictitious and fabricated. It did not indicate the nature of employment or the date of commencement of work. Management has prayed that the claim of the alleged workmen for re-instatement in service with all back wages and all consequential benefits from the date of termination till resumption of duty be rejected.

In rejoinder written statement the workmen has stated that after nationalization all clerical staff and other workmen as well as all the officers who were on the role of erstwhile management prior to nationalization had been allowed to continue their services after nationalization till they attain the age of superannuation. A reasonable number of staff and officers who were on the role of erstwhile management before nationalization are still in the employment. After nationalization company has every right to enquire into the matter and to take necessary disciplinary action against the person who has committed the fraud. But on their failure to produce evidence for alleged irregular entry the ECL management can not terminate the services of their workmen. The records were not taken in possession by the custodian, rather in the office of the present General Manager, one deputy custodian was appointed for the convenience of the company who took charge of the office from the erstwhile management. But later on deputy custodian handed over the charge of the office to the then General Manager of Satgram Area, which office is still functioning. That it is totally false to say that the document i.e. 'B' Form and other documents of erstwhile company are taken away by the custodian and as such, after nationalization it was not possible for the Eastern Coalfields Ltd. management to check 'B' Forms and other records. In the written statement, the management stated that they said that the names of the workmen are latter struck off from the role. It can not be possible to introduce the name of any person in the 'B' Forms as workmen for the 'B' Form was being maintained by the concerned staff under the custody and authority of welfare officer and manager of the colliery. The management has/had nothing to show that these workmen are inducted workmen. It is not possible for any such workmen to become a member of CMPF. From the above it is clear that the names of the workmen in dispute are included in the company's record and documents as they admitted and they struck off their names from the roll without considering the forms and records lying with the custodians (as the respondent admitted) in the writ case and no reasonable opportunity was given to any of the workmen to reply for their self defense before striking off their names. This is enough for the union to claim that the workmen in this reference case should be reinstated with all consequential benefits because the said striking off the names of the workmen from the role for the company was out and out illegal. Colliery submitted return in Form 'H' to the CMPF commissioner which included the names of the workmen. The workmen had also received the wages of upto the week ending, 26.01.1974. Workmen also received bonus payable under Coal Mine Bonus Scheme of production from the colliery. It is totally wrong to say that From 'B' does not contain the name of 220 workmen. Non-production of record will draw an adverse inference against the management.

Workmen has filed copies of civil rule no. 430 of 1974 in respect of Sri Madan Prasad Sinha and others, civil rule No. 1248(w) of 1973 in respect of Sri Jay Prakash Singh and Others, civil rule no. 211(w) of 1974 in respect of Jay Kumar Sinha and others. Appeal from original order no. 677 of 1987 in respect of Madan Prasad Sinha and others, F.M.A 678 of 1987 in respect of Jay Kumar Sinha and others, F.M.A. 679 of 1987 in respect of Jay Prakash Singh and Others, order of Hon'ble Supreme Court dated 01.10.1996 in SLP no. 11,762/90, 11,732/90 11,755/90, appointment letter of Jay Prakash Singh, bonus card of Banitosh Ghosh. Union has filed affidavits of Sri Jamuna Singh, Sri Jay Prakash Singh, Sri Ram Sevak Singh, Sri Banitosh Ghosh, Sri Kamala Lal Srivastava and Sri Madan Prasad Sinha in oral evidence.

Management has filed copies of civil rule 2011(w) of 1974 in respect of Sri Jay Kumar Sinha, F.M.A. No. 677 in respect of Sri Madan Prasad Sinha, order of Hon'ble Supreme Court dated 01.10.1996 in SLP no. 11762/90, 11732/90 and 11755/90, copy of writ petition 11302(w) of 2007 of Hon'ble Kolkata High Court regarding interim order, copy of writ petition 11302(w) of 2007 of Hon'ble Kolkata High Court regarding final order.

Tribunal has afforded opportunity to the management to produce oral evidence. But the management has not produced any oral evidence in his support.

Tribunal on 22.11.2005 summoned the file of reconciliation proceeding from Regional Labour Commissioner (Central). The file contains the letter of the then Assistant Labour Commissioner (Central) dated 31.12.1997 regarding reconciliation proceeding, letter of Employment Officer, Raniganj; letter of Assistant Labour Commissioner (Central), Raniganj; letter of manager of New Satgram Colliery to regional C.M.P.F. Commissioner.

The Hon'ble Kolkata High Court in writ petition No. 11302 of 2007 has directed to dispose the reference within 3 months. Besides this is one of the oldest references of this tribunal.

On 10.09.2014, the date fixed for argument Sri Swapan Kumar Dey, Chief Manager, Personnel, appeared on behalf of the management. He submitted the application requesting to debar from arguing Sri S. K. Pandey, the union leader. According to him Sri S. K. Pandey was not representing the union to which the workmen of the reference belong. Though, Sri S. K. Pandey opposed the application, but he abstained himself from arguing the reference due to opposition by the management. Therefore tribunal reserved the application of the management dated 10.09.2014 for order along with reference. Before reserving the reference for order the tribunal afforded opportunity to Sri S. K. Dey Officer of the management to argue the reference. But Sri S. K. Dey declined to argue. Therefore tribunal reserved the reference for order.

The management has deliberately tried to delay the disposal of the reference for the reasons best known to them. The workman filed civil rule no. 430 of 1974, civil rule no. 1248(w) of 1973, civil rule no. 2011(w) 1974 in Hon'ble Kolkata High Court against the order of termination dated 06.02.1974. The hon'ble Kolkata High Court has observed that the story of manufacturing, the books and documents were accepted without their being any positive evidence in this regard. The Hon'ble Kolkata High Court held that without proper enquiry and without giving any opportunity of hearing to the employees, respondents/management have come to conclusion illegally and unfairly. The impugned order was set-a-side and petitioners/employees were treated as employee of the respondent/management and they were entitled to monetary benefits restricted to 10% of the total emoluments for all these years. The Hon'ble High Court held that the order will not prevent the management from making enquiry after giving opportunity to the petitioners being heard as to whether petitioners / employees were inducted after taking over of the management and whether they were the employees of the erstwhile colliery or not. Upon such enquiry if it is found that they were not the employees of the erstwhile management and as such they could not have been the employees of the coal mine authority. The responders will be at liberty to take appropriate action against them in accordance with law.

The respondent/management Coal India Ltd. preferred an appeal before the Hon'ble Division Bench of Kolkata High Court being F.M.A. no. 677 of 1987, F.M.A no. 679 of 1987. The Hon'ble division bench of Kolkata High Court modifying the order directed the employees to submit representations before the concerned authority Coal India Ltd. within six weeks from the date of disposal of receipt of such representation. The concerned Coal India Ltd. will give inspection to all relevant documents intended to be relied upon by the Coal India Ltd. to the concerned employees. Such inspection should be given within a month from the receipt of such representation from the employees. The employees will be entitled to further representation on the basis of such inspection within a period four weeks from the date of taking over of such inspection. They would be permitted to submit Xerox copies of the documents to be relied on by them in support of their cases. Thereafter the Coal India Ltd. authorities will consider the representation of each of the writ petitioners.

The management of Coal India Ltd. filed an appeal in Hon'ble Supreme Court. The Hon'ble Supreme Court in **Civil Appeal No. 126/91**, Chairman of Coal India Ltd. and Another Vs Sri Madan Prasad Sinha and Others; **Civil Appeal No. 1127/91**, Chairman of Coal India Ltd. and Others Vs. Sri Joy Kumar Sinha Others; **Civil Appeal No. 1128/91**, Chairman of Coal India Ltd. and Others Vs. Sri Jay Prakash Singh and Others observed:-

“Consequently, we allow the appeals for the aforesaid reason and set aside the impugned judgments of the Single Bench and the Division Bench of the High Court resulting in dismissal of the writ petitions filed by the respondents in the High Court. However, the respondents would not be precluded from making a claim, if any, in accordance with law before the appropriate forum under the industrial laws since this adjudication is not on the merits of their claim.”

After the order of the hon'ble Supreme Court, the union of the employees moved for reconciliation proceeding before the Assistant Labour Commissioner (central), Raniganj. The management denied the claim of employees. Employees moved for reference before appropriate forum and the appropriate authority made a reference before this tribunal.

It is admitted fact that before termination order dated 06.02.1974 all the employees under reference were working in Coal Mines Authority Ltd. and were getting wages till 26.01.1974. The important question arises for consideration is whether all 220 employees named in reference are “workmen” before termination.

Section 2(s) of Industrial Dispute Act, 1947 defines :-

“Workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute but does not include any such person,:-

(i) who is subject to the Air Force Act, 1950 (45 to 1950), or

the Army Act, 1950 (46 to 1950) or the Navy Act, 1957 (62 of 1957);

or

(ii) who is employed in the police service or as an officer or other employee of a prison;

or

(iii) who is employed mainly in managerial or administrative capacity;

or

(iv) who, being employed in a supervisory capacity, draws wages exceeding [ten thousand rupees] per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

It is evident, from above definition the term of employment may be express or implied. Formal appointment letter may not be necessary. Workman Sri Jay Prakash Singh has filed the copy of his appointment letter issued by Shethia Mining & Manufacturing Corporation Limited letter Ref. No. S2MC/7/(a)/1510/72 dated 23.05.1972. He was appointed as an additional Welfare Officer at New Satgram Colliery. Besides Sri Banitosh Ghosh employee has submitted copy of Bonus Card dated 08.01.1974. This document supports the version of the employee.

The Union has submitted the affidavit of Sri Jamuna Singh. Sri Jamuna Singh, the retired employee of New Satgram Colliery, has stated on oath that he was appointed in New Satgram Colliery as Attendance Clerk on 01.07.1963. He was working as such from May 1971 to October 1972 including the subsequent period till his superannuation on 28.06.1999. He is aware of 220 workers named in the reference who had served from date of their respective appointment till termination. In cross-examination he has stated that he had custody of two Attendance Registers. His duty was to maintain Form 'B' and Form 'C'.

Sri Ram Sevak Singh retired employee of New Satgram Colliery has stated in his affidavit that he was working in New Satgram Colliery as General Clerk since his appointment i.e. 1962. He retired on 31.12.2002. He was also serving from May 1971 to October 1972. He knows all the 220 workers named in the reference who were in employment from their respective date, till termination. His job was to prepare bill on the basis of wage sheet and payment cards of all the persons working in the colliery including 220 persons named in reference. In the cross-examination he has stated that he was working in Bill Section he can produce his paper of appointment. He can not say specific date of appointment of each employee. After nationalization, company started to be known as Coal Mine Authority. Workers were being given payment on weekly basis. At that time he had to prepare bill of about 500 workers.

Sri Kamla Lal Srivastava has stated in his affidavit that he was appointed in New Satgram Colliery on 27.04.1960 and he superannuated on 05.10.1977. At the relevant time he was working as Clerk attached to the New Satgram Colliery under Satgram Area in the office of Personal Officer / Welfare Officer. As such clerk, he along with other function also recorded the particulars required to be incorporated in Form 'B' Register prepared and maintained as per Mines rules framed under Mine Act. In respect of all the persons who had been appointed from period May 1971 to October, 1972. Further he has stated that he has recorded the particulars of Sri Madan Prasad Sinha and 219 others who have raised the dispute. He knew each of those persons working in Satgram (R) Colliery. All these persons have been working in the colliery from their respective date of appointment. These persons have received payment, bonus etc till the date of receiving the termination order. The proper entry has been made by him in the 'B' Form Register in 1971 & 1972. The 'B' form register has been kept in the custody of the then personal officer Mr. B. N. Akhori / R. P. Singh. These 220 persons received their wages upto the week ending, 26th January, 1974. They have also received their due bonus. 'H' return of the quarter ending 1972 clearly indicates that they have working in the said colliery. In cross-examination Kamla Lal Srivastava has stated that he does not remember the exact date of appointment and termination of all 220 persons. He does not have any personal knowledge these 220 persons. He had personally noted the names of all the aforesaid persons in the 'B' Form Register. Mr. B. N. Akhori was the then Welfare Officer. It is not a fact that Welfare Officer maintains the 'B' Form Register.

Sri Jay Prakash Singh whose name appears on the reference has stated in the affidavit that he was appointed in New Satgram Colliery by the then employer on 23.05.1972. The Xerox copy of the said letter is 'Annexure A'. By virtue of his employment he was aware of all 220 workmen of Satgram Colliery who are parties to the reference. The appointment was proper and legal. Before taking over of the mine name of workmen have been properly incorporated in 'B' Form Register and 'H' Form Register and also in Attendance Bonus Register of the colliery at the relevant time. He himself and other 219 workers named in reference has been allotted C.M.P.F. account numbers by the C.M.P.F. authority with due consent and recommendation of the management. He was wrongfully and illegally terminated without serving any charge sheet or notice of enquiry. He was not given any opportunity of hearing. In cross-examination he has stated that he has degree of M.S.W. from Kashi Vidyapith, Varansi. At relevant time Sri R. P. Singh was labour Welfare Officer at that time total manpower of Satgram Colliery was more than 2500. He was dealing with the grievances of the workers after receiving the grievances he used to forward the same. He was a member of P.F.

Sri Banitosh Ghosh has stated in his affidavit that he was appointed in New Satgram Colliery w.e.f. 12.07.1972 till date of termination on 06.02.1974 he served continuously in New Satgram Colliery. He was never served any charge sheet or any allegation. In recognition of his service he has been allotted C.M.P.F. no. S/2/215/212 by the concerned C.M.P.F. authority. He has submitted Xerox copy of Bonus Card Form XI which was duly signed by the Welfare Officer Sri D. K. Srivastava on 08.01.1974. He knows all other 219 workmen who are similarly terminated

from service without charge sheet. In cross-examination he has stated Sri Ram Sevak Singh used to pay the payment weekly to the employees in cash department of the colliery.

Sri Madan Prasad Sinha has stated in his affidavit that he joined as electric helper in New Satgram Colliery w.e.f. 28.08.1972. He served in colliery till date of termination i.e. 06.02.1974. In recognition of his service he was allotted C.M.P.F. no. S/2/215/50 by the concerned C.M.P.F. authority with consent and recommendation of the management. He knew all 219 workmen who were similarly terminated without serving any charge sheet. He and other workmen were legally appointed before taking over of the mine. All the name of workmen had been properly incorporated from 'B' Form of the colliery. In cross-examination he has stated that he did not get Appointment Letter from the colliery. He could not say who was appointing authority. At the time of his appointment he was about 20 years old. He has no personal acquaintance with all the 219 workers. He can not say the particular date of appointment of each workman. He can not produce wage sheet of his salary of 1974. Though there is minor discrepancy in cross-examination of Sri Madan Prasad Sinha but overall he has supported the contents of affidavit.

Sri Jay Prakash Singh, Sri Banitosh Ghosh and Sri Madan Prasad Sinha the terminated employees of New Satgram Colliery have stated in their evidence not only the date of appointment but also C.M.P.F. number allotted to them. Other witnesses Sri Jamuna Singh, Sri Ram Sevak Singh, Sri Kamala Lal Srivastava who were ex-employee of New Satgram Colliery who retired on superannuation has supported the version of terminated employees who has been examined as witness. Sri Jamuna Singh was Attendance Clerk, Sri Ram Sevak Singh was General Clerk and he used to prepare the Bill regarding the payment of bonus and salary. Sri Kamala Lal Srivastava used to prepare Form 'B' Register. All the three witness who retired on superannuation has stated that all 220 employees who were terminated on 06.02.1974 before termination and before nationalization they were in employment of erstwhile colliery.

Management in his written statement has given two grounds for terminating the service of 220 employees. First, the employees of erstwhile company have no right of absorption in new company after nationalization of coal mines. Management in his written statement in para 3 (page 9) has stated that Coal Mines Nationalization Laws (amendment) Act, 1986 has been deleted with retrospective effect. Now after nationalization even if any employee is 'workman' within the meaning of Industrial Dispute Act, he has no right to be absorbed in new company after nationalization. Amendment act has retrospective effect. This reference is of the year 1999. Therefore after amendment terminated employees have no right of absorption.

The contents of written statement can not be accepted. If this plea is accepted then chapter 'V' A and 'V' B of Industrial Dispute Act of 1947 will come into play. But it is apparent from record that there is no proceeding under chapter 'V' A and 'V' B of Industrial Dispute Act of 1947.

Second ground is that before nationalization the terminated employees in the erstwhile company have been in employment by playing fraud and fabrication of document. On complaint the management came to know about the fraud and fabrication and manipulation of document.

Management has stated in Para 4 (Page 10) in their written statement:-

The circumstances which led to the issue of the letter dated 06.02.1974 were that on receipt of complaints of false entries and false books, proper investigation was set up under Sri S. K. Sanyal and Sri A. K. Dutta who were officers of the company but were not officers in any way connected with the said colliery. It is on their examination and scrutiny that it was found that all such records and persons connected therewith that the alleged workmen had not been employed in the said colliery prior to 31st January, 1973, i.e. the date of take over of the coal mines (Taking Over of Management) Act, 1973. The said investigating Officers found that the Registers including Form 'B' Register did not contain the names of the alleged workmen. The many other Registers which were there were also found to be fictitious and fabricated did not indicate the nature of employment or the date of commencement of work. It is stated that Form 'H' return of the quarter ending December, 1972 was also found to be a forged document.

If there was any complaint regarding false entry in record, followed by the enquiry by the management. Then copy of complaint and report of enquiry officer, ought to have been communicated to all the terminated employees, before termination. But the management has not tendered the copies of complaint, and copy of enquiry report of Sri S. K. Sanyal and Sri S. K. Dutta, officers of the company, to the terminated employees. Even, management has not taken care to submit copies of complaint and enquiry report of above officer, on the file of reference, before tribunal.

It is relevant to mention that manager of New Satgram Colliery has written letter to C.M.P.F. commissioner dated 21.01.1975 regarding submission of Form 'H' for the A / ending December, 1972. The appropriate authority which made the reference before this Tribunal, there is list of 220 employees along with reference. In this list C.M.P.F. account number has been mentioned against the name of 173 employees and their date of appointment is also mentioned.

The relevant record from which it could have been ascertained are :-

- (i) 'B' Form Register, on the date of taking over the New Satgram Colliery.
- (ii) Payment – Register to the month of January, 1973 to January, 1974.
- (iii) Productivity Bonus Register showing monthly bonus from January, 1973 to January, 1974.

For producing these documents ample time has been given to the management. But management have failed to file these records. Ultimately the Tribunal passed the order on 04.02.2003 and 08.03.2007 that for non-production of these records, adverse inference could be done against the management. In this regard management has prayed earlier to summon the concerned officers of other department, without naming them but tribunal has rejected the prayer of management, being vague. Against the Order 08.03.2007 management file writ petition no. 11302 of 2007 in hon'ble Kolkata High Court. Hon'ble Kolkata High Court held that it was the abuse of process adopted by the petitioner (management) and observed to decide the reference within 3 months.

Management has stated in his writ petition that before termination dated 06.02.1974 all the 220 terminated employees were getting wages on the basis of false and fabricated entries in records in connivance with management of erstwhile company before nationalization. If this was the situation then management was expected to conduct domestic enquiry.

The employer has a right, recognized in law to dismiss his servant, for an act of misconduct committed by him. In bringing the service of an industrial workman to an end, as a measure of punishment for misconduct, the employer/management has to comply with the requirements of the procedure laid down in the standing orders, applicable to the establishment and with rules of natural justice. In other words, the service as a measure of punishment can be terminated only after giving the delinquent employee an opportunity to defend himself against the charges leveled against him by holding a fair and proper domestic enquiry. When an action is challenged as being mala fide, the question has to be determined not merely with reference to the form of the action, but the real foundation of order or even motivation for it.

In *Sur Enamel and stamping Works Ltd. vs. Their Workmen*, (1963) 2 L.L.J. 367, hon'ble Supreme Court held that mere form of any inquiry would not satisfy the requirements of industrial adjudication to protect the disciplinary action against a workman and observed as follows:

An enquiry cannot be said to have been properly held unless:

- (i) the employee proceeded against has been informed clearly of the charges leveled against him;
- (ii) the witnesses are examined – ordinarily in the presence of the employee – in respect of the charge;
- (iii) the employee is given a fair opportunity to cross-examine witnesses;
- (iv) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter; and
- (v) the inquiry officer records his findings with reasons for the same in his report.

In industrial jurisprudence, the requirement of acting bona fide permeates the entire process of disciplinary proceedings. In other words, in all stages right from initiation of the disciplinary proceedings by serving the charge sheet on the delinquent workman through disciplinary inquiry to making the order imposing the punishment, the action of the management must be fair and bona fide. Particularly, the requirement of acting fairly and bona fide while imposing the punishment is accentuated. Lack of bona fide vitiates most solemn transactions.

Therefore, the order of the management dated 06.02.1974, terminating the service of 220 employees is illegal and arbitrary.

The services of employees were terminated by letter dated 06.02.1974. The union / workmen have not pleaded in their written statement anywhere that after termination that they were not gainfully employed anywhere. The burden to prove that employee was not gainfully employed is initially on the employees. Hon'ble Supreme Court in *Kendriya Vidyalaya Sangathan & another vs. S. C. Sharma*, AIR 2005, page 768, has held that when the question of determining the entitlement of a person to back wages is concerned, the employee has to show that he was not gainfully employed. The initial burden is on him. In *Nagar Mahapalika vs. State of U.P.*, AIR 2006, S.C. 2013, the hon'ble Supreme Court while considering the reinstatement with back wages has held that only because the Labour Court may grant relief of reinstatement the same should not be granted as a matter of course.

Therefore in view of the law propounded by hon'ble Supreme Court reinstatement with back wages can not be granted automatically, only because it would be lawful to do so. For the said purpose, several factors are required to be taken into consideration namely: Nature of employment, whether perennial or for short duration, period of service rendered by employee before termination, period lapsed between the date of termination and date of reinstatement,

principal of equity i.e. interest of industry as well as labour, financial position of employer, gainful employment of employee during termination.

The dates of births, of employees are not mentioned in written statements of both the parties. But it is undisputed that the employees have been terminated on 06.02.1974. The list of employees is annexed with the reference. All terminated employees were appointed in the erstwhile company upto 1972 or prior thereto. Since their appointment more than 42 years have already been lapsed. Even if employees would not have been terminated all the employees would have retired on superannuation, till now. Therefore question of reinstatement does not arise. It is matter of common sense that any terminated employee can not remain idle for so long period of 40 years. Naturally every terminated employee might have been doing any job or employment or any kind of profession for livelihood. Besides at the cost of repetition it may be stated that employee has not stated in their written statement that after termination they were not gainfully employed anywhere. Back wages without any service contribution to the Coal Mine Authority would not adversely effect to the industry but also to the economy of the nation.

Considering the whole facts and circumstances of the reference, discussed above I come to the conclusion that the action of management of New Satgram Colliery under Satgram (R) Colliery of M/s. ECL in dismissing 220 employees mentioned in the reference w.e.f 06.02.1974 is illegal and unjustified. The order of dismissal of all 220 employees dated 06.02.1974 is hereby set-a-side. I think it appropriate that each workman be awarded a compensation of Rs. 50,000/- (Rupees Fifty Thousand only).

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2014

का.आ. 3185.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इ. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 110/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/12/2014 को प्राप्त हुआ था।

[सं. एल-22012/455/1998-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 5th December, 2014

S.O. 3185.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.110/1999 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of Kajora Area of M/s. ECL, and their workmen, received by the Central Government on 05/12/2014.

[No. - L-22012/455/1998 - IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 110 OF 1999

PARTIES: The management of Madhavpur Colliery under Kajora Area, ECL.

Vs.

Sri Ayodhya Shaw

REPRESENTATIVES:

For the management : Shri P. K. Das Ld. Advocate

For the union (workman): Shri Rakesh Kumar, Gen., Secy.

INDUSTRY: COAL STATE: WEST BENGAL

Dated : 25.11.2014

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **No. L-22012/455/98/IR(CM-II)** dated 30.07.1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEUDLE

“Whether the action of the management of Madhavpur Colliery under Kajora Area of M/s. ECL in forcefully superannuating Sh. Ayodhya Shaw, Underground Loader from 01.07.1995 is legal and justified? If not, to what relief the workman is entitled?”

Having received the Order **No. L-22012/455/98/IR(CM-II)** dated 30.07.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. **110 of 1999** was registered on 18.08.1999 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Sri Rakesh Kumar, General Secretary of the union appears and submits that the case may be closed as the workman has no more interest left to proceed with the case further. None appears on behalf of the management. On perusal of the record I find that the workman neither came personally before the court nor submitted his evidence since long. It seems that he is now not at all interested to proceed with the case further. As such the case is closed and accordingly a “**No Dispute Award**” may be passed.

ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2014

का.आ. 3186.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.एम.पी.डी.आई.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 39/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/12/2014 को प्राप्त हुआ था।

[सं. एल-22012/12/1995-आईआर (सीएम-II)]

बी. एम. पटनायक, डेस्क अधिकारी

New Delhi, the 5th December, 2014

S.O. 3186.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 39/1995 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of C.M.P.D.I Ltd., and their workmen, received by the Central Government on 05/12/2014.

[No. L-22012/12/1995 - IR(CM-II)]

B. M. PATNAIK, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 39 OF 1995

PARTIES: The management of C.M.P.D.I. Ltd

Vs.

Sri P. K. Das

REPRESENTATIVES:

For the management : Shri P. K. Das, Ld. Advocate

For the union (Workman): Shri S. K. Pandey, Gen. Secy.

INDUSTRY: COAL STATE: WEST BENGAL

Dated : 26.11.2014

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/12/95-IR(C-II) dated 01.08.1995 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDELE

“Whether the demand of the union in claiming promotion of Sh. P.K.Das, Asstt. Rigman with retrospective effect with all consequential benefit is justified? If, not, to what relief the workman is entitled?”

Having received the Order No. L-22012/12/95-IR(C-II) dated 01.08.1995 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 39 of 1995 was registered on 01.08.1996 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Sri P. K. Das, Learned Advocate for the management is present but none appears on behalf of the workman. The workman is neither coming nor taking any step after 04.07.2013. Registered notices were sent to the workman on 23.07.2014 and 18.09.2014. More than two months from the last notice have already passed but the workman did not take any step. It seems that the workman is now no more interested to proceed with the case further. The case is also very old – 1995. I don't think it reasonable to keep this old record pending without any result. As such the case is closed and accordingly a ‘No Dispute Award’ may be passed.

ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 2014

का.आ. 3187.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वाइस चांसलर, इन्होंने नई दिल्ली के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय.2 दिल्ली के पंचाट (संदर्भ संख्या 13/11, 14/11, 16/11) प्रकाशित करती है जो केन्द्रीय सरकार को 05/12/2014 को प्राप्त हुआ था।

[सं. एल-42012/140/2010-आई आर (डीयू),
सं. एल-42012/141/2010-आई आर (डीयू),
सं. एल-42012/144/2010-आई आर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th December, 2014

S.O. 3187.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No. 13/11, 14/11, 16/11) of the Central Government Industrial Tribunal Cum Labour Court No.II, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Vice Chancellor, IGNOU, New Delhi and their workmen, which was received by the Central Government on 05/12/2014.

[No. L-42012/140/2010-IR(DU),
No. L-42012/141/2010-IR(DU),
No. L-42012/144/2010-IR(DU)]

P. K.VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II, KARKARDOOMA COURT COMPLEX, KARKARDOOMA, DELHI

Present:- Shri Harbansh Kumar Saxena

ID No. 13/11

Smt. Babita Pawar,
W/o Sh. Sanjay Pawar,
H.No. A 1st 158 Madangir, ND

Versus

The Vice Chancellor,
IGNOU , Maidan Gari,
New Delhi.

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide notification No. L-42012/140/2010-IR(DU) dated 09.03.2011 referred the following industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of IGNOU in terminating the services of their workman Smt. Babita Pawar W/o Sh. Sanjay Pawar w.e.f 01.11.2007 is legal and justified? If not, what relief the workman is entitled to and from which date?

On 31.03.2011 reference was received in this tribunal. Which was register as I.D No. 13/11 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

Registered letter containing notice was issued by my Ld. Predecessor which received back with the report that claimant has refused to accept it.

On the basis of which my Ld. Predecessor passed following order on order sheet on 20.06.2013:-

Notice was sent to the claimant on 16.05.2013 by registered post, calling upon her to file claim statement before the Tribunal on or before 20.06.2013. Notice has received back with the report that she refused to accept the notice. Thus, it is evident that the claimant was well aware about the pendency of the matter before this Tribunal and opted not to file her claim statement.

On perusal of the reference order, it came to light that a question was referred for adjudication to the effect that as to whether action of IGNOU in terminating the services of Smt. Babita Pawar with effect from 01.11.2007 is legal and justified. Thus, it is evident that onus is there on IGNOU to prove legality and justification of its order dated 01.11.2007. Resultantly, it is ordered that IGNOU be called upon to file its response to the reference order. Adjourned for reference of the management to the reference order for 05.08.2013.

In-compliance of notice respondent filed written statement alongwith copies of relevant documents. Thought which management prayed as follows on the basis of averments made in W.S:-

- a. Dismiss the case with costs.
- b. Pass such further order/directions which this Hon'ble Court deems fit and proper in the facts and circumstance of this case in favour of the answering respondent and against the applicant/workman.

On 24.04.2014 I framed following issues on the basis of pleadings on record:-

1. Whether the action of the management of IGNOU in terminating the services of their workman Smt. Babita Pawar W/o Sh. Sanjay Pawar w.e.f 01.11.2007 is legal and justified? If so its effect?

2. To what relief the workman is entitled to?

And fixed 24.04.2014 for workman evidence. Workman adduce no evidence.

In these circumstances no dispute award is liable to be passed.

NO Dispute Award is accordingly passed.

Dated:-21/11/2014

HARBANSK KUMAR SAXENA, Presiding Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II,
KARKARDOOMA COURT COMPLEX, KARKARDOOMA, DELHI**

Present:- Shri Harbansh Kumar Saxena

ID No. 14/11

Smt. Mala,
D/o Late Niranjan Lal,
H.No.258, J Block, Dakshin Puri,
New Delhi.

Versus

The Vice Chancellor,
IGNOU , Maidan Gari,
New Delhi.

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide notification No. L-42012/141/2010-IR(DU) dated 09.03.2011 referred the following industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of IGNOU in terminating the services of their workman Smt. Mala D/o Late Niranjan Lal w.e.f 01.11.2007 is just fair and legal. If not, what relief the workman is entitled to and from which date?

On 31.03.2011 reference was received in this tribunal. Which was register as I.D No. 14/11 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses. Registered letter containing notice was issued by my Ld. Predecessor which received back with the report that claimant has refused to accept it.

On the basis of which my Ld. Predecessor passed following order on order sheet on 20.06.2013:-

Notice was sent to the claimant on 16.05.2013 by registered post, calling upon her to file claim statement before the Tribunal on or before 20.06.2013. Neither postal certificate has been received back nor postal services remained affected during the aforesaid period. Therefore, it is evident every presumption lies in favour of the fact that the notice was served on the claimant. Despite service of notice, the claimant opted not to file his claim statement.

On perusal of the reference order, it came to light that a question was referred for adjudication to the effect that as to whether action of IGNOU in terminating the services of Smt. Mala with effect from 01.11.2007 is legal and justified. Thus, it is evident that onus is there on IGNOU to prove legality and justification of its order dated 01.11.2007. Resultantly, it is ordered that IGNOU be called upon to file its response to the reference order. Adjourned for reference of the management to the reference order for 05.08.2013.

In compliance of notice respondent filed written statement alongwith copies of relevant documents. Thought which management prayed as follows on the basis of averments made in W.S:-

- a. Dismiss the case with costs.
- b. Pass such further order/directions which this Hon'ble Court deems fit and proper in the facts and circumstance of this case in favour of the answering respondent and against the applicant/workman.

On 24.04.2014, I framed following issues on the basis of pleadings on record:-

1. Whether the action of the management of IGNOU in terminating the services of their workman Smt. Mala D/o Late Niranjan Lal Sh. Sanjay Pawar w.e.f 01.11.2007 is just, fair and legal ? If so its effect?

2. To what relief the workman is entitled to?

And fixed 24.04.2014 for workman evidence. Workman adduce no evidence.

In these circumstances no dispute award is liable to be passed.

NO Dispute Award is accordingly passed.

Dated:-21/11/2014

HARBANSHP KUMAR SAXENA, Presiding Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II,
KARKARDOOMA COURT COMPLEX, KARKARDOOMA, DELHI**

Present:- Shri Harbansh Kumar Saxena

ID No. 16/11

Sh. Rohit Kumar,
S/o Sh. Mukesh Kumar
H.No.A 1st 158, Madangir,
New Delhi.

Versus

The Vice Chancellor,
IGNOU , Maidan Gari,
New Delhi.

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide notification No. L-42012/144/2010-IR(DU) dated 09.03.2011 referred the following industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of IGNOU in terminating the services of their workman Sh. Rohit Kumar,S/o Sh. Mukesh Kumar w.e.f 01.11.2007 is just fair and legal. If not, what relief the workman is entitled to and from which date?

On 31.03.2011 reference was received in this tribunal. Which was register as I.D. No. 16/11 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

Registered letter containing notice was issued by my Ld. Predecessor which received back with the report that claimant has refused to accept it.

On the basis of which my Ld. Predecessor passed following order on order sheet on 19.06.2013:-

Notice issued to the claimant by registered post has been received back with the report that he has refused to accept it. Thus, it is evident that the claimant is well aware about pendency of this dispute before the Tribunal and the date fixed for filing of claim statement. Despite knowledge of all these facts, he does not want to come forward and file his claim statement.

Reference order raises a question as to whether action of the management of IGNOU in terminating services of Sh. Rohit Kumar with effect from 01.11.2007 is just, fair and legal. Onus, is therefore, thereon the management to establish justifiability , fairness and legality of its action of terminating services of Sh. Rohit Kumar. Therefore, it is ordered that the management be called upon to file its response to the reference of the dispute. Adjourned for response of the management to the reference order for 05.08.2013.

In compliance of notice respondent filed written statement alongwith copies of relevant documents. Thought which management prayed as follows on the basis of averments made in W.S:-

- a. Dismiss the case with costs.
- b. Pass such further order/directions which this Hon'ble Court deems fit and proper in the facts and circumstance of this case in favour of the answering respondent and against the applicant/workman.

On 24.04.2014 I framed following issues on the basis of pleadings on record:-

1. Whether the action of the management of IGNOU in terminating the services of their workman Sh. Rohit Kumar S/o Sh. Mukesh Kumar w.e.f 01.11.2007 is just, fair and legal? If so its effect?

2. To what relief the workman is entitled to?

And fixed 24.04.2014 for workman evidence. Workman adduce no evidence.

In these circumstances no dispute award is liable to be passed.

No Dispute Award is accordingly passed.

Dated:-21/11/2014

HARBANSK KUMAR SAXENA, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 2014

का.आ. 3188.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पावरग्रिड इंडिया लिमिटेड के निगम, और दूसरों के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय-2, दिल्ली के पंचाट (संदर्भ संख्या 04/2010, 05/2010, 06/2010, 07/2010, 08/2010, 09/2010, 10/2010, 11/2010, 12/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 05/12/2014 को प्राप्त हुआ था।

[सं. एल-42011/3 से 11/2010-आई आर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th December, 2014

S.O. 3188.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No. 04/2010, 05/2010, 06/2010, 07/2010, 08/2010, 09/2010, 10/2010, 11/2010, 12/2010) of the Central Government Industrial Tribunal-cum-Labour Court No.II, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Powergrid Corporation of India Ltd. & Others and their workmen, which was received by the Central Government on 05/12/2014.

[No. L-42011/3 to 11/2010-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II, KARKARDOOMA COURT COMPLEX,

KARKARDOOMA, DELHI

Present:- Shri Harbansh Kumar Saxena

ID No. 04/2010

Sh. Jairam

S/o Sh. Nanak Sharma

Vill. Pirihi, PO-Narhi, Distt. Arval (Bihar)

Bihar

Versus

1. Power Grid Corporation of India Ltd.,
Sector -29, Gurgaon

2. M/s. Fairdeal Security Services , A-105, Sector-10, NOIDA(U.P.)

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide notification No. L-42011/4/2010-IR(DU) dated 03.03.2010 referred the following industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of Power Grid Corporation of India, Gurgaon and the contractor M/s Fair Deal Security with regard to employment of Sh. Jairam is sham and bogus? If yes, whether the action of the management in terminating the services of the said workman w.e.f 01.01.2005 is legal and justified? If not, what relief the workman is entitled to?”

On 18.03.2010 reference was received in this tribunal. Which was register as I.D. No. 04/10 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 28.1.2011.

Workman in his claim statement prayed that he be reinstated with full back wages alongwith other facilities .

Against Statement of Claim Management filed Written Statement on 1.7.2011 .

Wherein it prayed as follows:-

“It is prayed that the claim of the claimant workman may kindly be dismissed against the respondent management no.2 i.e. Power Grade Corporation of India Ltd.

Workman filed rejoinder on 30.12.2011 through which he reaffirmed the prayer made in the claim statement.

My Ld. Predecessor on 10.05.2013 passed an order on order sheet and conclusion that no other issue is needed to be framed except those referred by appropriate Government for adjudication and fixed 18.07.2013 for workman evidence.

Workman in support of his case adduce no evidence. Although, 9 opportunities were given to him so in want of workman evidence claim is liable to be dismissed and reference is liable to be decided in favour of management and against workman.

Which is accordingly decided.

No Dispute Award is accordingly passed.

Dated:-17/11/2014

HARBANS KUMAR SAXENA, Presiding Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II, KARKARDOOMA COURT COMPLEX,

KARKARDOOMA, DELHI

Present:- Shri Harbansh Kumar Saxena

ID No. 5/2010

Sh. Gopal Dutt
S/o Sh. Munshi Ram
Vill. & PO-Nanukalan,
Gurgaon

Versus

1. Power Grid Corporation of India Ltd.,
Sector -29, Gurgaon.

2. M/s. Fairdeal Security Services, A-105, Sector-10, NOIDA (U.P.)

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide notification No. L-42011/5/2010-IR(DU) dated 03.03.2010 referred the following industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of Power Grid Corporation of India, Gurgaon and the contractor M/s Fair Deal Security with regard to employment of Sh. Gopal Dutt Singh is sham and bogus? If yes, whether the action of the management in terminating the services of the said workman w.e.f 05.04.2005 is legal and justified? If not, what relief the workman is entitled to?”

On 18.03.2010 reference was received in this tribunal. Which was register as I.D. No. 5/10 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 28.1.2011.

Workman in his claim statement prayed that he be reinstated with full back wages alongwith other facilities .

Against Statement of Claim Management filed Written Statement on 1.7.2011 .

Wherein it prayed as follows:-

“It is prayed that the claim of the claimant workman may kindly be dismissed against the respondent management no. 2 i.e. Power Grade Corporation of India Ltd.

Workman filed rejoinder on 30.12.2011 through which he reaffirmed the prayer made in the claim statement.

My Ld. Predecessor on 10.05.2013 passed an order on order sheet and conclusion that no other issue is needed to be framed except those referred by appropriate Government for adjudication and fixed 18.07.2013 for workman evidence.

Workman in support of his case adduce no evidence. Although, 9 opportunities were given to him so in want of workman evidence claim is liable to be dismissed and reference is liable to be decided in favour of management and against workman.

Which is accordingly decided.

No Dispute Award is accordingly passed.

Dated:-17/11/2014

HARBANSK KUMAR SAXENA, Presiding Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II, KARKARDOOMA COURT COMPLEX,

KARKARDOOMA, DELHI

Present:- Shri Harbansh Kumar Saxena

ID No. 06/2010

Sh. Rukum Singh
S/o Sh. Badan Singh
Vill. & PO-Bhondsi, Gurgaon

Versus

1. Power Grid Corporation of India Ltd.,
Sector -29, Gurgaon.

2. M/s. Fairdeal Security Services , A-105, Sector-10, NOIDA(U.P.)

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide notification No L-42011/6/2010-IR(DU) dated 03.03.2010 referred the following industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of Power Grid Corporation of India, Gurgaon and the contractor M/s Fair Deal Security with regard to employment of Sh. Rukum Singh is sham and bogus? If yes, whether the action of the management in terminating the services of the said workman w.e.f 04.01.2006 is legal and justified? If not, what relief the workman is entitled to?”

On 18.03.2010 reference was received in this tribunal. Which was register as I.D. No. 6/10 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 28.1.2011.

Workman in his claim statement prayed that he be reinstated with full back wages alongwith other facilities .

Against Statement of Claim Management filed Written Statement on 1.7.2011 .

Wherein it prayed as follows:-

“ It is prayed that the claim of the claimant workman may kindly be dismissed against the respondent management no.2 i.e. Power Grade Corporation of India Ltd.

Workman filed rejoinder on 30.12.2011 through which he reaffirmed the prayer made in the claim statement.

My Ld. Predecessor on 10.05.2013 passed an order on order sheet and conclusion that no other issue is needed to be framed except those referred by appropriate Government for adjudication and fixed 18.07.2013 for workman evidence.

Workman in support of his case adduce no evidence. Although, 9 opportunities were given to him so in want of workman evidence claim is liable to be dismissed and reference is liable to be decided in favour of management and against workman.

Which is accordingly decided.

No Dispute Award is accordingly passed.

Dated:-17/11/2014

HARBANSHP KUMAR SAXENA, Presiding Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II, KARKARDOOMA COURT COMPLEX,

KARKARDOOMA, DELHI

Present:- Shri Harbansh Kumar Saxena

ID No. 07/2010

Sh. Satyanarain,
S/o Sh. Ganpatt, Vill –Lilord, PO-Lilord,
Rewari.

Versus

1.Power Grid Corporation of India Ltd.,
Sector -29, Gurgaon.

2.M/s. Fairdeal Security Services , A-105, Sector-10, NOIDA(U.P.)

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide notification No. L-42011/7/2010-IR(DU) dated 03.03.2010 referred the following Industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of Power Grid Corporation of India, Gurgaon and the contractor M/s Fair Deal Security with regard to employment of Sh. Satyanarain is sham and bogus? If yes, whether the action of the management in terminating the services of the said workman w.e.f 04.05.2005 is legal and justified? If not, what relief the workman is entitled to?”

On 18.03.2010 reference was received in this tribunal. Which was register as I.D. No. 7/10 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 28.1.2011.

Workman in his claim statement prayed that he be reinstated with full back wages alongwith other facilities .

Against Statement of Claim Management filed Written Statement on 1.7.2011 .

Wherein it prayed as follows:-

“ It is prayed that the claim of the claimant workman may kindly be dismissed against the respondent management no.2 i.e. Power Grade Corporation of India Ltd.

Workman filed rejoinder on 30.12.2011 through which he reaffirmed the prayer made in the claim statement.

My Ld. Predecessor on 10.05.2013 passed an order on order sheet and conclusion that no other issue is needed to be framed except those referred by appropriate government for adjudication and fixed 18.07.2013 for workman evidence.

Workman in support of his case adduce no evidence. Although, 9 opportunities were given to him so in want of workman evidence claim is liable to be dismissed and reference is liable to be decided in favour of management and against workman.

Which is accordingly decided.

No Dispute Award is accordingly passed.

Dated:-17/11/2014

HARBANSHP KUMAR SAXENA, Presiding Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II,
KARKARDOOMA COURT COMPLEX,

KARKARDOOMA, DELHI

Present:- Shri Harbansh Kumar Saxena

ID No. 08/2010

Sh.Babban Paswan,
S/o Sh. Ram Prasad,
Vill. Amri, PO-Karwaldiya, Distt. Rohtassh,
Bihar.

Versus

1.Power Grid Corporation of India Ltd.,
Sector -29, Gurgaon.

2. M/s. Fairdeal Security Services , A-105, Sector-10, NOIDA(U.P.)

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide notification No L-42011/8/2010-IR(DU) dated 03.03.2010 referred the following industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of Power Grid Corporation of India, Gurgaon and the contractor M/s. Fair Deal Security with regard to employment of Sh. Babban Paswan is sham and bogus? If yes, whether the action of the management in terminating the services of the said workman w.e.f 15.04.2006 is legal and justified? If not, what relief the workman is entitled to?”

On 18.03.2010 reference was received in this tribunal. Which was register as I.D No. 8/10 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 28.1.2011.

Workman in his claim statement prayed that he be reinstated with full back wages alongwith other facilities .

Against Statement of Claim Management filed Written Statement on 1.7.2011 .

Wherein it prayed as follows:-

“ It is prayed that the claim of the claimant workman may kindly be dismissed against the respondent management no.2 i.e. Power Grade Corporation of India Ltd.

Workman filed rejoinder on 30.12.2011 through which he reaffirmed the prayer made in the claim statement.

My Ld. Predecessor on 10.05.2013 passed an order on order sheet and conclusion that no other issue is needed to be framed except those referred by appropriate government for adjudication and fixed 18.07.2013 for workman evidence.

Workman in support of his case adduce no evidence. Although, 9 opportunities were given to him so in want of workman evidence claim is liable to be dismissed and reference is liable to be decided in favour of management and against workman.

Which is accordingly decided.

No Dispute Award is accordingly passed.

Dated:-17/11/2014

HARBANSH KUMAR SAXENA, Presiding Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II,
KARKARDOOMA COURT COMPLEX,

KARKARDOOMA, DELHI

Present:- Shri Harbansh Kumar Saxena

ID No. 9/2010

Sh. Chanderma Sharma,
 S/o Sh. Raghuvansh Sharma,
 Vill. Pirahi, PO- Narahi, Distt. Arawal (Bihar)
 Bihar.

Versus

1.Power Grid Corporation of India Ltd.,
 Sector -29, Gurgaon.
 2.M/s. Fairdeal Security Services , A-105, Sector-10, NOIDA(U.P.)

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide notification No L-42011/9/2010-IR(DU) dated 03.03.2010 referred the following Industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of Power Grid Corporation of India, Gurgaon and the contractor M/s. Fair Deal Security with regard to employment of Sh. Chanderma Sharma is sham and bogus? If yes, whether the action of the management in terminating the services of the said workman w.e.f . 01.01.2005 is legal and justified? If not, what relief the workman is entitled to?”

On 18.03.2010 reference was received in this tribunal. Which was register as I.D No. 9/10 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 28.1.2011.

Workman in his claim statement prayed that he be reinstated with full back wages alongwith other facilities .

Against Statement of Claim Management filed Written Statement on 1.7.2011 .

Wherein it prayed as follows:-

“ It is prayed that the claim of the claimant workman may kindly be dismissed against the respondent management no.2 i.e. Power Grade Corporation of India Ltd.

Workman filed rejoinder on 30.12.2011 through which he reaffirmed the prayer made in the claim statement.

My Ld. Predecessor on 10.05.2013 passed an order on order sheet and conclusion that no other issue is needed to be framed except those referred by appropriate government for adjudication and fixed 18.07.2013 for workman evidence.

Workman in support of his case adduce no evidence. Although, 9 opportunities were given to him so in want of workman evidence claim is liable to be dismissed and reference is liable to be decided in favour of management and against workman.

Which is accordingly decided.

No Dispute Award is accordingly passed.

Dated:-17/11/2014

HARBANSHE KUMAR SAXENA, Presiding Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II,
 KARKARDOOMA COURT COMPLEX,**

KARKARDOOMA, DELHI

Present:- Shri Harbansh Kumar Saxena

ID No. 10/2010

Sh. German Singh,
 S/o Sh. Shri Ram,
 Vill. Tikali, PO Tikali,
 Gurgaon.

Versus

1. Power Grid Corporation of India Ltd.,
Sector -29, Gurgaon.
2. M/s. Fairdeal Security Services , A-105, Sector-10, NOIDA(U.P.)

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide notification No. L-42011/10/2010-IR(DU) dated 03.03.2010 referred the following Industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of Power Grid Corporation of India, Gurgaon and the contractor M/s. Fair Deal Security with regard to employment of Sh. German Singh is sham and bogus? If yes, whether the action of the management in terminating the services of the said workman w.e.f . 24.08.2006 is legal and justified? If not, what relief the workman is entitled to?”

On 18.03.2010 reference was received in this tribunal. Which was register as I.D No. 10/10 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 28.1.2011.

Workman in his claim statement prayed that he be reinstated with full back wages along with other facilities.

Against Statement of Claim Management filed Written Statement on 1.7.2011 .

Wherein it prayed as follows:-

“ It is prayed that the claim of the claimant workman may kindly be dismissed against the respondent management no. 2 i.e. Power Grid Corporation of India Ltd.

Workman filed rejoinder on 30.12.2011 through which he re-affirmed the prayer made in the claim statement.

My Ld. Predecessor on 10.05.2013 passed an order on order sheet and conclusion that no other issue is needed to be framed except those referred by appropriate government for adjudication and fixed 18.07.2013 for workman evidence.

Workman in support of his case adduce no evidence. Although, 9 opportunities were given to him so in want of workman evidence claim is liable to be dismissed and reference is liable to be decided in favour of management and against workman.

Which is accordingly decided.

No Dispute Award is accordingly passed.

Dated:-17/11/2014

HARBANSK KUMAR SAXENA, Presiding Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II, KARKARDOOMA COURT COMPLEX,

KARKARDOOMA, DELHI

Present:- Shri Harbansh Kumar Saxena

ID No. 11/2010

Sh. Rampal Yadav,S/o Ajmer Singh
Vill. Nanglamangad, PO Kishni, Mainpuri.

Versus

1. Power Grid Corporation of India Ltd.,
Sector -29, Gurgaon.
2. M/s. Fairdeal Security Services , A-105 , Sector -10, Noida (UP)

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide notification No. L-42011/11/2010(IR(DU)) dated 03.03.2010 referred the following industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of Power Grid Corporation of India, Gurgaon and the contractor M/s. Fair Deal Security with regard to employment of Sh. Rampal Yadav is sham and bogus? If yes, whether the action of the management in terminating the services of the said workman w.e.f 01.01.2006 is legal and justified? If not, what relief the workman is entitled to?”

On 18.03.2010 reference was received in this tribunal. Which was register as I.D No. 11/10 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 28.1.2011.

Workman in his claim statement prayed that he be reinstated with full back wages alongwith other facilities .

Against Statement of Claim Management filed Written Statement on 1.7.2011 .

Wherein it prayed as follows:-

“ It is prayed that the claim of the claimant workman may kindly be dismissed against the respondent management no. 2 i.e. Power Grid Corporation of India Ltd.

Workman filed rejoinder on 30.12.2011 through which he reaffirmed the prayer made in the claim statement.

My Ld. Predecessor on 10.05.2013 passed an order on order sheet and conclusion that no other issue is needed to be framed except those referred by appropriate government for adjudication and fixed 18.07.2013 for workman evidence.

Workman in support of his case adduce no evidence. Although, 9 opportunities were given to him so in want of workman evidence claim is liable to be dismissed and reference is liable to be decided in favour of management and against workman.

Which is accordingly decided.

No Dispute Award is accordingly passed.

Dated:-17/11/2014

HARBANSK KUMAR SAXENA, Presiding Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II, KARKARDOOMA COURT COMPLEX,

KARKARDOOMA, DELHI

Present:- Shri Harbansh Kumar Saxena

ID No. 12/2010

Sh. Brijpal ,
S/o Sh. Bhika Singh, Vill. & P.O. Bhondsi,
Vill. Amri, PO-Karwadiya, Distt. Rohtassh,
Gurgaon.

Versus

1. Power Grid Corporation of India Ltd.,
Sector -29, Gurgaon.

2. M/s. Fairdeal Security Services , A-105, Sector-10, NOIDA(U.P.)

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide notification No. L-42011/3/2010(IR(DU)) dated 03.03.2010 referred the following Industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of Power Grid Corporation of India, Gurgaon and the contractor M/s. Fairdeal Security with regard to employment of Sh. Brijpal is sham and bogus? If yes, whether the action of the management in terminating the services of the said workman w.e.f 07.07.2006 is legal and justified? If not, what relief the workman is entitled to?”

On 18.03.2010 reference was received in this tribunal. Which was register as I.D No. 12/10 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 28.1.2011.

Workman in his claim statement prayed that he be reinstated with full back wages alongwith other facilities.

Against Statement of Claim Management filed Written Statement on 1.7.2011 .

Wherein it prayed as follows:-

“ It is prayed that the claim of the claimant/workman may kindly be dismissed against the respondent management no.2 i.e. Power Grid Corporation of India Ltd.

Workman filed rejoinder on 30.12.2011 through which he reaffirmed the prayer made in the claim statement.

My Ld. Predecessor on 10.05.2013 passed an order on order sheet and conclusion that no other issue is needed to be framed except those referred by appropriate government for adjudication and fixed 18.07.2013 for workman evidence.

Workman in support of his case adduce no evidence. Although, 9 opportunities were given to him so in want of workman evidence claim is liable to be dismissed and reference is liable to be decided in favour of management and against workman.

Which is accordingly decided.

No Dispute Award is accordingly passed.

Dated:-17/11/2014

HARBANSK KUMAR SAXENA, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 2014

का.आ. 3189.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्यालय दिल्ली एरिया प्रिंटिंग प्रेस (सेना) के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, दिल्ली के पंचाट (संदर्भ संख्या 27/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/12/2014 को प्राप्त हुआ था।

[सं. एल-14012/8/2008-आई आर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th December, 2014

S.O. 3189.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D No. 27/2008) of the Central Government Industrial Tribunal-Cum-Labour Court No.II, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Head Quarters Delhi Area Printing Press (ARMY) and their workman, which was received by the Central Government on 05/12/2014.

[No. L-14012/8/2008-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II, KARKARDOOMA COURT COMPLEX, KARKARDOOMA, DELHI

Present:- Shri Harbansh Kumar Saxena

ID No. 27/2008

Sh. Gopal Singh,

S/o Late Madho Singh, R/o 50-B , Picket -11, Paschim Puri,
New Delhi-110063.

Versus

The Officer-in-Charge ,
Head Quarters Delhi Area Printing Press(ARMY)
Civil Lines, Delhi Cantt, Delhi-110010.

AWARD

The Central Government in the Ministry of Labour vide notification No L-14012/8/2008(IR(DU)) dated 04.06.2008 referred the following Industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of Officers in Charge, Head Quarters, Delhi Area Printing Press (Army), Delhi Cantt., in terminating the services of their workman Sh. Gopal Singh w.e.f. 02.12.2006 is legal and justified? If not, to what relief the workman is entitled?”

On 12.06.2008 reference was received in this tribunal. Which was register as I.D No. 27/2008 and claimant was called upon to file claim statement within fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 18.08.2008. Wherein he stated as follows:-

1. That Central Government, Ministry of Labour vide its order No.L-14012/8/2008-IR(DU) New Delhi Dated 4.6.2008 has referred the dispute for adjudication to the Cent. Govt . Indus. Tribunal-Cum-Labour-Court No. 2 Rajendra Bhawan, Rajendra Place, New Delhi and directed the parties to file statement of claim within 15 days of the receipt of the order of reference. Claimant/workman is hereby presenting his statement of claim as follows:-
2. That the workman has been working as ‘Machine Operator’ with the Head Quarters Delhi Area Printing Press, (Army), Management since 15.12.1986.
3. That the workman has put the best of his services to the management. Being satisfied with his works & performances, the management has incremented him time to time. His last pay-in-hand was Rs. 3485/- in month of November 2006 from his wages @ Rs. 650/- per month.
4. That since 15.12.1986, the management has not even deposit the employer’s contributions towards Provident Fund, ESI etc. till March 2005.
5. That the applicant along with other workman has been demanding his complete wages and legal benefits, including Provident-Funds, Bonus, other emoluments and allowances , and to maintain proper work atmosphere and safety measures since a long time from the management.
6. That the applicant along with other workman raised a demand-application vide reference No. 1/90 dated 14.06.1990 to the management to fulfill their legal demands, but the management did not care it.
7. That after waiting for reasonable time, the applicant alongwith other workman has also issued a reminder to the management vide reference no. 2.7.90 dated 10.07.90, but no attention has been given too it.
8. That in place of fulfillment their said legal demands, the management has started either to terminate the services of the workman regularly or to appoint a fresh.
9. That despite his long uninterrupted service tenure, the management has issued an appointment –letter dated 20.09.2005 afresh having its effect from 1st April 2005.
10. That the management has been willingly violating the mandatory labour laws by discontinuing his long service tenure, and appointing afresh.
11. That in November 2006, the workman has given an application to the management for a leave for four days, i.e. from 27.11.2006 to 30.11.2006 for some urgent works at his home.
12. That after returning to his duties on 02.12.2006, the workman has been advised by the management as to accept another fresh appointment –letter drawn for the month of November 2006 having its effect from February 2006, and further deduction of his wages for three days on account of his leave in November 2006.
13. That the workman has refused to accept this unlawful proposition, and in response the management has abused him in person in a harsh and filthy languages as to ‘Go away’.
14. That thereafter, the workman has visited the work place regularly for many days, but the gate-keepers /guards have restrained him to enter in it as per directions of the management.
15. That being constrained by the said unlawful acts of management, the workman has also sent an application dated 18.12.2006 to the management through post, but he has not received any reply of it till now.
16. That the workman has issued a legal notice vide reference no. S1s/LN/HQDAPP/060407 dated 06th April 2007 through registered AD post as well as U.P.C through his counsels but the management has neither given up her unlawful means, nor thought it appropriate to give its reply.
17. That the workman filed demand notice before Labour-cum-Conciliation Offcier on 27.8.2007. Several Notice were issued from the office of conciliation officer but nobody attended conciliation proceedings on behalf of management.
18. That conciliation proceeding concluded ex-parte because of non participation of the management.

19. That the management has terminated the long service tenure of the workman all of a sudden and for illegal purposes with effect from 02.12.2006 in contravention of the provisions provided U/s 25 F of the industrial dispute act 1947 and without complying the mandatory Labour laws.

20. PRAYER

It is therefore, most respectfully prayed as the Hon'ble Tribunal –cum-Labour Court may kindly be pleased to pass an order/direction so as to reinstate the workman with effect from its inception , i.e., 15.12.1986 with all consequential benefits, and to pass any other order/direction as the Hon'ble Tribunal –cum-Labour Court deem fit and proper as per the prevailing circumstances of the cases in the interest of justice.

Against Statement of Claim Management filed Written Statement on 4.03.2009 . Wherein it stated as follows:-

PRELIMINARY OBJECTIONS:-

1. That the workman is guilty of suppression of material facts and has not come to the Hon'ble Tribunal with clean hands inasmuch as he has concealed the facts of his self abandonment of service. So, the present claim is an abuse of the process of law and thus not maintainable.

2. That the present statement of claim has not been filed in proper manner. Thus, it is liable to be dismissed at the first instance.

3. That the present matter is a matter of self-abandonment of his services by the workman and not retrenchment by the management. So, the present statement of claim does not constitute any industrial dispute.

4. That the management is a regimental institution run by the Indian Army on "No Profit No Loss" basis and works for internal purpose only and this institution doesn't work for gain. The management is covered under exceptions (4) and /or (9) Section 2(j) of the Industrial Dispute (Amendment)Act, 1982 (46 of 1982) which definition is in consonance with judicially accepted definition of "Industry".

5. That the entire claims of the workman are false and based on incorrect facts.

PARAWISE REPLY ON MERITS:

1. That the contents of para 1 of the statement of claim are matter of record, hence need no reply.

2. That the contents of para 2 of the statement of claim , it is submitted that the workman was temporary workman of the management and was working on daily wages basis.

3. That the contents of para 3 of the statement of claim are denied and it is submitted that the worker's performances were not satisfactory and the worker always used to instigate other workers to support his rebellion attitude. Rest of the contents are matter of record, hence need no reply.

4. That the contents of para 4 of the statement of claim are emphatically denied. In reply of this para it is submitted that till 31-03-2005, all workers were being paid a flat package salary and there was no provision of payment of any allowances or provident fund or ESI etc. On 24.11.2004, a Board of Officers was convened to examine the work condition s and to revise the salary of civilian workers in various regimental institutes of Headquarters Delhi Area. The Printing Press was also included in this Board. The Patron (General Officer Commanding Delhi Area) accorded his approval to the recommendations of this Board and the new pay structure was implemented w.e.f 01.04.2005. Hence, non-deposition of employer's contributions towards provident funds, ESI etc. till March, 2005, raised by the workman is totally meaningless and worthless.

5. That the contents of para5 of the statement of claim are wrong, baseless and concocted, thus are vehemently denied. The management has not received any demand as alleged in the same paragraph.

6. That the contents of para 6 of statement of claim are wrong, baseless and concocted,, hence it is denied. The management has not received any demand application as alleged in the same paragraph.

7. That the contents of para 7 of the statement of claim are false, baseless and concocted and without any stand . Till date neither the workman along with other workmen given any reminder nor the management has received any reminder as stated in the same paragraph.

8. That the contents of para 8 of the statement of claim are false and baseless, hence it is denied. The management has not terminated the services of any worker at all, but as far as the workman is concerned, he has abandoned his services himself.

9. That in reply of para 9 of the statement of claim, it is submitted that prior to 01.04.2005, the workman was working as a temporary worker on daily wages basis. The management is a regimental institution run by the Indian Army on "No Profit No Loss" basis. As such, there is a provision of recruitment of ex-servicemen with the management. But due to lack of ex-servicemen, civilian workers have been employed with the management. Later on, a resolution was passed in the year 2004 and consequently all the civilian workers were employed as contract labourers for a period of

11 months w.e.f 01.04.2005. After completion of 11 months the contract had to be renewed for another 11 months, but the workman has failed in doing so.

10. That in reply of para 10 of the statement of claim, it is again submitted that the management has not violated any kind of law, but the workman has abandoned his services himself.

11. That the contents of para 11 of the statement of claim, it is submitted that no application was given by the workman to the management for any leave for the period stated in the same paragraph of the statement of claim.

12. That the contents of para 12 of the statement of claim are emphatically denied and in reply it is submitted that the workman has abandoned his services much prior to 02.12.2006 and he has not returned to his duties on any date despite sending him a show cause notice. The workman was not willing to follow the terms and conditions of the appointment letter that is why he has abandoned his services willfully. And as long the workman had worked with the management, he has been paid his entire wages.

13. That it is emphatically denied that the management had abused the workman in person in a harsh and filthy language as to 'Go away'. But the truth is that the workman did not want to continue his services himself. That is why he is alleging such a baseless blame on the management to defend himself.

14. That in reply to the contents of para 14 of the statement of claim, it is submitted that after self-abandonment of his services, the workman never returned to his duties nor made any effort to do so. Inspite of doing so, he was looking for another job for several months. But when he got failed in doing so, he approached to the office of the Regional Labour Commissioner.

15. That the contents of para 15 of the statement of claim, it is submitted that no application was sent to the management by the workman on 18.12.2006 by post or in person. So no question arises about any reply by the management to the said application.

16. That in reply to para 16 of the statement of claim, the management again submits that no legal notice dated 06.04.2007 of the same reference number mentioned in the same para of the statement of claim was received by the management, so there is no question of reply of the said legal notice.

17. That in reply of para 17 of the management of claim it is submitted that as the Officer-in-charge of the management was on leave till 30.12.2007, therefore, the conciliation proceedings could not be attended on behalf of the management. And ultimately notice for the date of hearing 18.01.2008 was served on to the management's office on the same day, that's why the same proceeding could not be attended.

18. That the contents of para 18 of the statement of claim are the matter of record, hence need no reply.

19. That the contents of para 19 of the statement of claim are false and baseless, hence denied. It is incorrect to allege that the management has terminated the services of the workman. But the truth is that the workman has abandoned his services himself willfully. Keeping in view each and every aspects of the present matter, it is proved that the present matter is a matter of self abandonment of services by the workman himself. Therefore, provisions laid down under section 25 F of the Industrial Disputes Act, 1947 do not apply in the present matter.

20. That in the above mentioned facts and circumstances, the management submits that claims made by the workman in the present matter are false, frivolous, baseless and vexations, hence the workman is not entitle to claim any relief as prayed for in the prayer clause. Therefore, the claims raised by the workman in the present matter deserve to be dismissed with cost.

Reply of the written statement on the behalf of the workman filed rejoinder on 27.04.2009. Wherein he stated as follows:-

REPLY OF PRELIMINARY OBJECTION

1. That the contents of para 1 of the preliminary objection are wrong and denied. The workman has not suppressed any material facts. The averments of the management that workman abandoned his service is wrong and denied.

2. That the contents of para 2 of the preliminary objection are wrong and denied.

3. That the contents of para 3 of the preliminary objection are wrong and denied. The fact that workman has left the service on his own is self serving statement. The workman has visited the workplace regularly for many days, but the gatekeepers/guards have restrained him to enter into the premises as per direction of the management.

4. That the contents of para 4 of the preliminary objection are wrong and denied. The fact that the management is a regimental institution run by the Indian Army on 'NO PROFIT NO LOSS' basis and works for internal purpose only and does not work for gain is wrong and denied. The management is an industry under section 2(j) of the Industrial Dispute (Amendment) Act, 1982 (46 of 1982).

5. That the contents of para 5 of the preliminary objection are wrong and denied.

PARAWISE REPLY ON MERITS

1. That the contents of para 1 of the written statement is matter of record.
2. That the contents of para 2 of the written statement is denied. It is submitted that workman has been working as machine operator with the management since 1986. Workman was not working on temporary basis or on daily wages.
3. That the contents of para 3 of the written statement is denied. It is reiterated that the workman gave his best services to the management. It is wrong that workman's performance was not satisfactory. It is also incorrect that workman used to instigate other workman to support his rebellion attitude. Rest of the para of statement of claim was admitted in the WS, hence need no reply.
4. That the contents of para 4 of the written statement is denied in toto. Para under statement of claim is reiterated. It is categorically denied. That till 31.03.2005 all workers were being paid a flat package salary and there was no provision of payment of any allowance or provident fund or ESI etc. Contents of WS are after after thought. Workman is not aware of meeting of board of officers of the management. It is however reiterated that management has not deposited employer's contributions towards provident funds. ESI etc. from 15.12.1986 till march 2005.
5. That the contents of para 5 of the written statement is denied. It is reiterated that workman demanded his legitimate dues but management has not accepted the demand made by workman.
6. That the contents of para 6 of the written statement is denied. It is wrong that management has not received any demand application, contents of statement of claim is reiterated.
7. That the contents of para 7 of the written statement is denied. Contents of statement of claim are reiterated.
8. That the contents of para 8 of the written statement is wrong and denied. Contents of statement of claim are reiterated. It is submitted that workman has not abandoned his services. The workman has visited the workplace regularly for many days, but the gatekeepers/guards have restrained him to enter into the premises as per direction of the management.
9. That the contents of para 9 of the written statement is false, self suited hence denied in toto. Contents of statement of claim are reiterated. It is however submitted that management has issued fresh appointment letter wide dated 20.09.2005 having it effect from 1.04.2005.
10. That the contents of para 10 of the written statement is false, self suited hence denied in toto. Contents of statement of claim are reiterated. It is however submitted that management has violated several mandatory labour laws.
11. That the contents of para 11 of the written statement is false, self suited hence denied in toto. Contents of statement of claim are reiterated. It is however submitted that workman applied for leave from 27.11.2006 to 30.11.2006.
12. That the contents of para 12 of the written statement is false, self suited hence denied in toto. Contents of statement of claim are reiterated. It is submitted that workman has never abandoned his services. It is also denied that workman has not returned to his duties despite sending him a show cause notice. However it is submitted that the workman has visited the workplace regularly for many days, but the gatekeepers/guards have restrained him to enter into the premises as per direction of the management. Story of giving show caused notice is concocted.
13. That the contents of para 13 of the written statement is false, hence denied in toto. Contents of statement of claim are reiterated. It is however submitted that management had abused workman in person in harsh and filthy languages as to go away. It is also denied that workman did not want to continue his service.
14. That the contents of para 14 of the written statement is false, self suited hence denied in toto. Contents of statement of claim are reiterated. It is submitted that workman has never abandoned his services. It is also denied that workman never returned to his duties nor made any effort to do so. It is also denied that workman was looking for another job for several months and when he got failed in doing so, he approached to the office of the Regional Labour Commissioner. However it is submitted that the workman has visited the workplace regularly for many days, but the gatekeepers/guards have restrained him to enter into the premises as per direction of the management.
15. That the contents of para 15 of the written statement is false, self suited hence denied. It is reiterated that the workman sent an application dated 18.12.2006 to the management through post but management has not even replied the same.
16. That the contents of para 16 of the written statement is false, self suited hence denied. Workman has sent legal notice wide dated 6.4.2007 through registered post as well as U.P.C. but the management has neither given reply to the said legal notice nor given up unlawful means.
17. That the contents of para 17 of the written statement is false, self suited hence denied for the sake of knowledge. It is however submitted that management has not participated in conciliation proceedings before Labour-cum-Conciliation officer despite several notice were issued from the office of conciliation officer.
18. That the para 18 needs no reply.
19. That the contents of para 19 of the written statement is false, self suited hence denied. However it is submitted that workman has not abandoned his service willfully or never returned to his duties. However it is submitted that the

workman has visited the workplace regularly for many days, but the gatekeepers/guards have restrained him to enter into the premises as per direction of the management. It is further submitted that workman is still jobless. It is further denied that provisions laid down under Section 25 F of the Industrial Dispute Act, 1947 do not apply in the present case.

20. That the contents of Para 20 of the written statement is wrong and denied. It is further denied that workman is not entitled to claim any relief as prayed for in the prayer clause of the statement of claim. It is however submitted that workman is entitled for reinstatement in service with all consequential benefits.

On the basis of pleadings following issues have been framed by Ld. predecessor on 11.09.2009:-

1. As per terms of reference.

2. Relief

Workman in support of his case filed evidence of WW1. Sh. Gopal Singh. Where-in he stated as follows:-

1. That I am workman with the management in above captioned matter, and well conversant with the facts and circumstances of the present matter, and so competent to swear this affidavit.

2. That the deponent has been working as machine operator with the management since 15.12.1986. Workman was not working on temporary basis or on daily wages. Photocopies of I-Card issued by the management are Ex. PW-1/1 and the photocopy of the payment sheet of various staff including the workman is Ex. PW-1/2.

3. That the deponent has put the best of his services to the management. Being satisfied with his works and performances the management has given increment to the workman from time to time. His last pay in hand was Rs. 3485/- (Rs. Three Thousand Four Hundred and Eighty Five only) in the month of November 2006. That workman has also taken loan from the management and returned the same. Copies of receipt of loan amount issued by management are Ex. PW-1/3.

4. That management has not deposited employer's contributions towards provident funds, ESI etc. from 15.12.1986 till March, 2005.

5. That workman /deponent alongwith other workman has been demanding his legitimate dues but management has not accepted the demand made by workman.

6. That the deponent alongwith other workman raised a demands application, vide Reference No. 1/90 dated 14.6.1990 to the management to fulfill their legal demand but the management did not care it. Copy of application is Ex. PW-1/4.

7. That after waiting for reasonable time, the deponent alongwith other workman has also issued a reminder to the management vide Reference No. 2-7-90 dated 10-7-90, but no attention has been given to it. Copy of the remainder is Ex. PW-1/5.

8. That in place of fulfilling their said legal demands, the management has started either to terminate the services of the workman regularly or to appoint a fresh.

9. That despite his long uninterrupted service tenure, the management has issued an appointment letter dated 20.09.2005 afresh having its effect from 1st April, 2005. Copy of appointment letter dated 20.09.2005 is Ex. PW-1/6.

10. That the management has been willingly violating the mandatory labour laws by discontinuing his long service tenure, and appointing fresh.

11. That in November 2006, the workman has given an application to the management for a leave for four days, i.e., from 27.11.2006 to 30.11.2006 for some urgent works at his home.

12. That after returning to his duties on 02.12.2006, the workman has been advised by the management as to accept another letter drawn for the month of November 2006 having its effect from February 2006, and further deduction of his wages for three days on account of his leave in November 2006.

13. That the workman has refused to accept this unlawful proposition, and in response the management has abused him in person in a harsh and shabby language as to 'Go Away'.

14. That thereafter, the workman has visited the work place regularly for many days, but the gate-keeper/guards him to enter in it as per directions of the management.

15. That being constrained by the said unlawful acts of management, the workman has also sent as application dated 18.12.2006 to the management through post, but he has not received any reply of it. Photocopy of application.

Workman tendered his affidavit on 22.03.2011. His statement of tendering of affidavit is as follows:-

I tender in evidence my affidavit by way of examination in chief. It is signed by me at points A & B. The same is Ex. WW1/A. It be read as part of my statement.

He was cross-examined by Sh. Iqbal Shamsi, Ld. A/R for the management on 26.07.2011 as follows:-

XXXXX By Iqbal Shamsi, A/R for the management.

I joined the service of the management press on 15.12.1986 as mentioned in para of my affidavit as machine operator. I joined at a salary of Rs. 600/- per month. There used not to be any deductions from my salary initially. Deductions from my salary started in the year 2005. PF and ESI was deducted from my salary. Exact amount I do not know. I also do not know what salary I used to get after deductions. My salary without deductions in the year 2005 was Rs. 5,000/- per month. I worked till November, 2006 with the management press. I was on leave for 3 days in November, 2006 and after deducting pay for three days I got Rs. 3485/- in that month. In November, 2006 my salary was Rs. 5200/- In the month of April, 2007 I had gone to the office to collect my PF deposit statement but I was not allowed to enter the office. Prior to November, 2006 whenever I had proceeded on leave after giving an application no deductions from my salary was made for the leave period. I used to get consolidated amount and no allowance used to be paid; to me. I was given an appointment letter in the year 2005 and I had taken the same after duly signing on a copy. The copy of the appointment letter is Ex. P.W. 1/6 which contains the terms of my employment and as per the said appointment letter I was appointed as a machine man with effect from 01.04.2005 and my services will continue till I attain the age of 58 years. In November, 2006 I had taken leave for three days. I gave application but the same was not accepted by the management. I took leave from 28th to 30th November, 2006. I joined my duties on 02.12.2006. On 01.12.2006 probably it was a Sunday. On 02.12.2006 when I came to join my duty after the leave period, the management tried to give me another fresh appointment letter but I refused to accept the same. I was told by the management that either I should accept fresh appointment letter or I should go away after taking my pay and there was no need to come to the office. Thereafter I was forced to go from there and even gate I-card was taken away by them. I got my salary of November, 2006 on 02.12.2006. I was immediately paid my salary for the month of November, 2006 before a fresh appointment letter was offered to me. I got salary in the office of the manager of the printing press.

There were 14-15 other employees working in the printing press. There were two people and rest were civilians. There were total four machine operators in the printing press. There were four machine operator and there were three compositors working in the printing press. Four persons were in the binding department. I do not know what happened to other workers. I abide by what is mentioned in para 6 of my affidavit like all other paragraphs of the affidavit. 10-12 other persons had raised the demand along with me as mentioned in para 6 of my affidavit and their names are mentioned in Ex. PW.1/4. Worker Mahakant service's have also been terminated by the management, I do not know the fate of other workmen who had singed Ex. PW.1/4. Normally I used to get my salary between first to 5th of the month for the previous month. I do not recollect if my affidavit Ex. P.W.1/A was attested in my presence. My lawyer drafted my affidavit as per my instructions. It is wrong to suggest that I have deposed falsely. After my services were terminated on 02.12.2006 I could not get any employment anywhere as it is known to all that to get an employment is such a difficult task.

Management in support of its case filed affidavit of MW1 Nb. Sub. Gangadhar Mandal on 17.09.2013. Wherein it stated as follows:-

1. That I am working as the Manager of the HQ Delhi Area Printing Press at present and am competent to swear this affidavit. Before me NB Sub. Shamsher Singh was working in the same capacity.
2. That the workman is guilty of suppression of material facts and has not come to the Hon'ble Tribunal with clean hands in as much as he has concealed the facts of his self abandonment of service. So, the present claim is an abuse of the process of law and thus not maintainable.
3. That the present matter is matter of self-abandonment of his services by the workman and not retrenchment by the management. So, the present statement of claim does not constitute any industrial dispute.
4. That the management is a regimental institution run by the Indian Army on "No Profit No Loss" basis and works for internal purpose only and this institution doesn't work for gain. The management is covered under exceptions (4) and/or (9) of Section 2(j) of the Industrial Dispute (Amendment) Act, 1982 (46 of 1982) which definition is in consonance with judicially accepted definition of "Industry".
5. That the workman was working on temporary basis, therefore, he cannot be treated as permanent employee.
6. That the worker's performances were not satisfactory and the worker always used to instigate other workers to support his rebellion attitude.
7. That till 31.03.2005, all workers were being paid a flat package salary and there was no provision of payment of any allowance or provident fund or ESI etc. On 24.11.2004, a Board of Officers was convened to examine the work conditions and to revise the salary of civilian workers in various regimental institutes of Headquarters Delhi Area. The Printing Press was also included in this Board. The Patron (General Officer Commanding Delhi Area) accorded his approval to the recommendations of this Board and the new pay structure was implemented w.e.f. 01.04.2005. Hence, non-deposition of employer's contributions towards provident funds, ESI etc. till March, 2005, raised by the workman is totally meaningless and worthless. Copies of recommendation of the Board of Officers, Convening Order and Revision of pay and Allowance of the Civilian Staff are annexed herewith as Ext. MW1/1, MW1/2 & MW1/3 respectively.

8. That the management has not terminated the services of any worker at all, but as far as the workman is concerned, he has abandoned his services himself.
9. That prior to 01.04.2005, the workman was working as a temporary worker on daily wages basis . The management is a regimental institution run by the Indian Army on 'No Profit No Loss" basis. As such, there is a provision of recruitment of ex-servicemen, civilian workers have been employed with the management. Later on, resolution was passed in the year 2004 and consequently all the civilian workers were employed as contract labourers for a period of 11 months w.e.f 01.04.2005. After completion of 11 months the contract had to be renewed for another 11 months, but the workman has failed in doing so.
10. That no application was given by the workman to the management for any leave for the period since 27.11.2006 to 30.11.2006.
11. That the workman has abandoned his services much prior to 02.12.2006 and he has not returned to his duties. The workman has abandoned his services willfully. And as long the workman had worked with the management, he has been paid his entire wages.
12. That the Management never abused the workman in person in a harsh and filthy language as to 'Go away'. But the truth is that the workman did not want to continue his services himself.
13. That after self-abandonment of his services, the workman never returned to his duties nor made any effort to do so. Inspite of doing so, he was looking for another job for several months. But when he got failed in doing so, he approached to the office of the Regional Labour Commissioner.
14. That no application was sent to management by the workman on 18.12.2006 by post or in person. So no question arises about any reply by the management to the said application.
15. That no legal notice dated 06.04.2007 was received by the management.
16. That as the Officer-in-charge of the management was on leave till 30.12.2007, therefore, the conciliation proceedings could not be attended on behalf of the management. And ultimately notice for the date of hearing 18.01.2008 was served on to the management's office on the same day, that's why the same proceeding could not be attended by the management.
17. That it is incorrect to allege that the management has terminated the services of the workman. But the truth is that the workman has abandoned his services himself willfully. Keeping in view each and every aspects of the present matter of self-abandonment of services by the workman himself. Therefore, provisions laid down under Section 25 F of the Industrial Disputes Act, 1947 do not apply in the present matter.
18. That all the allegations made in the statement of claim by the workman are false, frivolous and baseless.
19. That the present affidavit has been drafted by the authorized representative of the management under the instructions of the Management.

MW1 tendered his affidavit on 28.03.2014 and he was partly cross examined on same day. His statement of tendering of affidavit and partly cross examination is as follows:-

I tender in evidence my affidavit Ex. MW1/A. Which bears my signature at point 'A' and 'B'. I rely upon documents Ex. MW1/1 to Ex. MW1/3.

XXXXXX by Shri. S.K. Singh, Ld. A/R for the workman.

I am working in Head quarter Delhi Printing press since 1997 . Vol. Stated that I was working as Naik. I had joined the management as Naik in Nov. 1997. No workman had joined the management during my tenure. I was posted as Naik with the management till 30th March, 2000. Gopal Singh was not appointed during my tenure. Workman was appointed on 15 December, 1986 as per record. During my tenure no workman had been terminated from the management. Workman had been working till 26 Nov. 2006. It is incorrect to suggest that para 2 and 3 of my affidavit by way of evidence are wrong.

It is incorrect that the workman has been terminated, but he has abandoned his service himself. The management has not terminated the services of the workman. Hence question of legal notice is unsustainable . The management appoints workman for the period of 11 months. This amounts to temporary and casual workman. The workman had worked since 1986 till 2006. Despite that he was not appointed as permanent workman. The circular for appointment of workman fare 11 months basis has been implemented . Since 1st April, 2005 by the Board of Officers which is Ex. MW1/1 and MW1/3 . It is incorrect that para IV of my affidavit by way of evidence is wrong . Performance of the workman was not satisfactorily and this fact had been conveyed to the workman verbally and not in writing . It is incorrect that para V & V of my affidavit by way of evidence are wrong cross deferred.

MW1 was further cross-examined on 12.05.2014.

His further cross-examination is as follows:-

XXXXX by Shri. S.K. Singh, Ld. A/R for the workman.

Question:- Can you tell flat package salary.

Ans. It means fixed amount.

Question:- How many workers were working under flat package salary?

Ans. About eight employees .

Question :-Can you tell names of those workers?

Ans. Yes, those name are murli, Hansnath, Bawar Ali , Ranvir Singh, Ram Charan, Gopal Mishra , Shakti Dominic plus one deceased employee namely Sh. Daulat Ram.

Question:- What amount of salary was paid to workman Gopal.

Ans. I do not know.

Question:-How many workers were permanent on 31.03.2005?

Ans. No workman was permanent.

It is incorrect to suggest that no meeting of Board was held on 24.11.2004. It is incorrect to suggest that document annexed with the affidavit are forged and frivolous documents. It is also incorrect to suggest that management has illegally terminated the services of workman, Gopal. Workman gave no application to management to prior to leaving the job. I am not aware of the facts whether management gave notice to workman.

It is correct to suggest that Gopal Singh moved leave application before management for his leave commencing since 27.11.2006 to 30.11.2006. I cannot say whether workman want to assume his duty on 2.12.2006 and management has not permitted him. It is incorrect to suggest that workman was eager wisher to work with management. .It is incorrect to suggest that whether workman gave registered notice to management expressing his willingness to work with the management.

I am not aware of the facts whether such registered notice was received by employed in the management as late colonel. It is incorrect to suggest that workman gave legal notice on 06.4.2007 through Regd. Post. It is also incorrect to suggest that I am deposing falsely to save the management from its liability . My affidavit has been prepared in Karkardooma Court Complex on the date mentioned in it. It is incorrect to suggest that I am deposing falsely.

I have heard the arguments of Ld. A/R for workman and Ld. A/R for the management.

In the light of contentions & counter contentions I perused the pleadings of claim statement , written statement and rejoinder as well as oral and documentary evidence of workman and management on record.

Which makes it crystal clear that no notice of termination to workman was given by management although workman was appointed till he attains 58 years of his age.

It is also established fact that workman Sh. Gopal Singh worked for about twenty years upto his termination on 02.12.2006.

It is also established fact that workman Sh. Gopal Singh was of about 49 yrs. On 02.12.2006 which indicates that he became over age to get job.

It is also established fact that workman Sh. Gopal Singh remained unemployed since his termination on 02.12.2006.

This fact is also established fact that workman Sh. Gopal Singh alongwith other workman raised demands for complete wages and legal benefits , including Provident Funds , Bonus, other emoluments and allowances, and to maintain proper work atmosphere and safety measures. But management instead of fulfilling aforesaid legal demands of workman, issued unlawful appointment letter dated 20.09.2005 to workman Sh. Gopal Singh afresh having its effect from 1.4.2005. So management of the instant case willfully violated the mandatory provisions of Labour laws by discontinuing the long service tenure of workman Sh. Gopal Singh , and appointing him afresh.

It is relevant to mention here that workman Sh. Gopal Singh in November 2006 applied for leave for four days. i.e. from 27.11.2006 to 30.11.2006 for some occasional urgent work at his home. When workman Sh. Gopal Singh returned to his duties on 02.12.2006 then he was advised by management as to accept the fresh appointment letter drawn for the month of November 2006 having its effect from February 2006, and further deduction of his wages for three days on account of his leave in November 2006. When workman Sh. Gopal Singh has refused to accept fresh appointment letter then he was improperly dealt with and terminated.

He gave registered notice on 6.4.2007 to the officer-in-charge , Head Quarters Delhi Area Printing Press, Civil lines, Delhi Cantt, Delhi-110010 , through his counsels Sh. Manoj Kr. Jha and Sh. Rajiv Mangla Advocate "Satya Legal Services"

No reply to aforesaid notice was given to workman by management simply on the pretext that such notice has never been received in the office of management as per averments of W.S.

Workman in his evidence has proved all aforesaid facts through his reliable and credible evidence. Against which no evidence in rebuttal has been given by management which could be produced through production of postman in its evidence. In want of which provisions of S.16 of Indian Evidence Act shall apply with full force and it would be deemed that registered notice was served on addressee of registered letter.

It is also relevant to mention here that prior to reference of the instant case workman Sh. Gopal Singh filed demand notice before Labour-cum-conciliation officer on 27.08.2007 who issued several notices to management but inspite of service of notices management has not turn up before Labour-cum-conciliation officer. Due to which he had to submit his report to Labour Ministry that conciliation proceedings concluded ex-parte because of non-participation of the management on the basis of which and other relevant facts reference of the instant case has been sent to this tribunal for adjudication.

The schedule of reference of the instant case contains first question of determination as follows:-

“Whether the action of the management of Officers in Charge, Head Quarters, Delhi Area Printing Press (Army), Delhi Cantt., in terminating the services of their workman Sh. Gopal Singh w.e.f. 02.12.2006 is legal and justified?”

Perusal of aforesaid question of determination makes it crystal clear that burden of proof to prove aforesaid question of determination No.1 lies on management.

Management although, pleaded in its written statement that workman Sh. Gopal Singh himself abandoned service and during his service tenure Gross Misconduct has been committed by him but management could not produce any resignation letter of workman which may show that workman himself left the service. Although, Ld. A/R for the management tried to justify stand of management that workman himself left service of management on the count of alleged absence of three or four days without any leave application or intimation to management but such ground appears to be fake and false in the light of registered notice by workman to management as well as dormancy on the part of management to reply the notice of workman after service of registered notice. Moreover conduct of dormancy on the part of management during conciliation proceedings after service of notice not to appear and participate further compel me to draw an adverse inference against management that it is not a case of abandonment of service by workman.

In addition to it although, management alleged in its WS that workman Sh. Gopal Singh committed Gross-Misconduct but management conducted no enquiry as legally required in the case of misconduct of workman.

Thus both defences of management cannot stand without its credible and reliable evidence.

In these circumstances question of determination no.1 mentioned in the schedule of reference is liable to be decided in favour of workman and against management. Which is accordingly decided.

As main question of determination No.1 has already been decided in favour of workman and against management. So question of determination No.2. which relates to reliefs to workman that is relief for reinstatement and back wages is also liable to be decided in favour of workman and against management. Which is accordingly decided.

Reference is liable to be decided in favour of workman and against management with the direction of the management that workman Sh. Gopal Singh shall be reinstated in the service with full back wages since 2.12.2006 within two months after publication of award and expiry of period of available remedy against award.

Reference is accordingly decided.

Award is accordingly passed.

Dated:-17.11.2014

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 2014

का.आ. 3190.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दिल्ली मेट्रो रेल निगम और दूसरों के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय.2 दिल्ली के पंचाट (संदर्भ संख्या 115/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/12/2014 को प्राप्त हुआ था।

[सं. एल-42025/03/2014-आई आर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th December, 2014

S.O. 3190.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**I.D No. 115/2013**) of the Central Government Industrial Tribunal-Cum-

Labour Court No.II, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the **Delhi Metro Rail Corporation & Others** and their workman, which was received by the Central Government on **05/12/2014**.

[No. L-42025/03/2014-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**BEFORE SHRI HARBANS KUMAR SAXENA, PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.II, KARKARDOOMA COURTS COMPLEX, DELHI**

I.D. NO. 115/2013

Shri Dular Chand S/o Shri Pirodh Ram
R/o 198, Mahila Mohalla,
Madanpur Khadar,
New Delhi -110076.

Workman

Versus

1. M/s. Delhi Metro Rail Corporation,
Fire Birgade Lane,
Barakhamba Road,
New Delhi-110001.
2. M/s. BVG India Ltd.,
106 Mercantile House,
First Floor, 16 K.G.Marg,
New Delhi – 110 001.

Management

AWARD

Shri Dular Chand was working with M/s DMRC the principal employer through M/s BVG India Ltd., the contractor. Shri Dular Chand was engaged as a safai karmachari by the contractor on 04.01.2011 and deputed to work at the premises of the principal employer. He served the principal employer till 26.10.2012. His services were allegedly dispensed with by the contractor. He raised a demand for reinstatement of his services, which was not conceded to. Ultimately, an industrial dispute was raised by him before the Conciliation Officer on 05.04.2013. Conciliation proceedings were initiated. After expiry of 45 days from the date of making application before the Conciliation Officer, the claimant filed a claim before this Tribunal under sub section (2) of Section 2A of Industrial Disputes Act, 1947 (in short the Act). Since his case was not hit by the provisions of section (3) of Section 2A of the Act, it was registered as an industrial dispute.

2. In his claim statement, the claimant pleads that he served continuously with the contractor from 04.01.2011 to 26.10.2012. His last drawn wages were Rs.6500.00. Legal facilities, such as appointment letter, attendance card, pay slips, leaves, bonus, overtime wages etc. were not made available to him. He raised a demand in that regard, which annoyed his employer, the contractor. His services were dispensed with on 26.10.2012 in an illegal manner. He claims reinstatement in service of his employer, the contractor, with continuity and full back wages.

3. The principal employer resisted the claim pleading that there existed no relationship of employer and employee between the claimant and the DMRC. Claimant was engaged by the contractor and the DMRC had not exercised any control over him. Hence his claim is liable to be dismissed.

4. Claimant filed a settlement agreement dated 18.9.2014 before the management. Settlement agreement is in Hindi and English. On 13.11.2014 authorise person of management appeared and filed a photocopy of settlement agreement. Desire of management has been expressed by person behalf of management. He also expressed that terms of settlement. Management is ready to accept the terms of settlement. Photocopy of settlement are Hindi and English are introduced on record. Claimant was willing to accept Rs.15,000.00 from the management towards full and final settlement of his claim for reinstatement in service, notice pay, retrenchment compensation, gratuity, bonus and other benefits, if any. He announced that on payment of Rs.15,000.00 to him, his claim would stand satisfied. Thus, it emerged that the management agreed to pay a sum of Rs.15,000.00 to the claimant towards full and final settlement of

his claim for reinstatement in service, notice pay, retrenchment compensation, gratuity, bonus and other benefits, if any. On payment of a sum of Rs.15,000/- claim made would stand satisfied. An award is, accordingly, passed. It be sent to the appropriate Government for publication.

HARBANSHE KUMAR SAXENA, Presiding Officer

Dated: 13 November, 2014

नई दिल्ली, 8 दिसम्बर, 2014

का.आ. 3191.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमांडेंट एवं मुख्य ट्रेनर, भारतीय सैन्य अकादमी, देहरादून के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय.2 दिल्ली के पंचाट (संदर्भ संख्या 16/13) को प्रकाशित करती है जो केन्द्रीय सरकार को 05/12/2014 को प्राप्त हुआ था।

[सं. एल-14012/11/2012-आई आर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th December, 2014

S.O. 3191.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**I.D No. 16/13**) of the Central Government Industrial Tribunal Cum Labour Court No.II, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the **Commandant and Chief Trainer, Indian Military Academy, Dehradun** and their workman, which was received by the Central Government on **05/12/2014**.

[No. L-14012/11/2012-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT - II, KARKARDOOMA COURT COMPLEX, KARKARDOOMA, DELHI

Present:- Shri Harbansh Kumar Saxena

ID No. 16/13

Sh. Vishal Bahuguna
S/o Sh. Kailash Bahuguna,
Kotda Santur, PO: Chandrabani,
Dehradun-

Versus

The Commandant and Chief Trainer,
Indian Military Academy,
Dehradun,

EX-PARTE AWARD

The Central Government in the Ministry of Labour vide notification No L-14012/11/2012(IR(DU)) dated 25.02.2013 referred the following Industrial Dispute to this tribunal for adjudication :-

“Whether the action of the management of Indian Military Academy, Dehradun in terminating the services of Sh. Vishal Bahuguna, casual labour without complying with Section 25 F, G, H of the Industrial Dispute , Act, 1947 is justified ? If not, what relief he is entitled to?

On 5.4.2013 reference was received in this tribunal. Which was register as I.D No. 16/13 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses

After service of notice workman/claimant Sh. Vishal Bahuguna filed claim statement on 23.05.2013 in this tribunal. Wherein he prayed as follows:-

i. An Award be made in favour of the workman and against the management for regular appointment on the basis of long work experience of ground worker/groom boy.

- ii. To reinstate the applicant at his post of ground worker /groom boy.
- iii. Back wages be granted.
- iv. Any other relief , if court thinks fit.

10.07.2013 was fixed for filing written statement but inspite of service management filed no written statement. So case proceeded ex-parte against management on 30.12.2013.

Claimant in support of his case filed affidavit in his evidence on 18.02.2014 alongwith certain Photostat copies of documents. He tendered his affidavit alongwith annexed Photostat copies of documents on 28.04.2014

None appear to cross-examine the workman as case proceeded ex-parte against management.

I have heard the arguments of Ld. A/R of the workman at length and perused the record.

In the light of contentions of Ld. A/R for the workman I perused the pleadings in claim statement and evidence of workman on record which shows that evidence of workman is unrebutted evidence. So it comes within the ambit of reliable and credible evidence.

On the basis of evidence of workman/ claimant on record. Claim statement is liable to be allowed but it is to be determined what relief is to be provided to the workman/claimant.

In the light of contentions and counter contentions I perused the settled law of Hon'ble Supreme Court on the point of reinstatement and grant of back wages. Which shows that reinstatement is not a necessary consequence wherever termination is held illegal. Depending upon the facts of each case a suitable compensation can be awarded. In Assistant Engineer, Rajasthan Dev. Corporation and Anr Vs. Gitam Singh, (2013)II LLJ 141 Hon'ble Supreme Court has held that reinstatement of workman with continuity of service and 25% back wages was not proper in the facts and circumstances of the case and the compensation of Rs.50,000/- (Rs. Fifty Thousand Only) shall meet the ends of justice. In Jagbir Singh Vs. Haryana State Agriculture Marketing Board & Anr AIR 2009 Supreme Court 3004, Hon'ble Supreme Court held thus “the award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination particularly, daily wages has not been found to be proper by this Court and instead compensation has been awarded.” In catena of Judgments, Hon'ble Supreme Court has taken a view that reinstatement is not automatic, merely because the termination is illegal or in contravention of S-25-F of the Industrial Dispute Act. In Talwara Co-operative credit and service society Limited Vs. Sushil Kumar (2008) 9 SCC 486, Hon'ble Supreme Court held thus,” grant of relief of reinstatement, it is trite, is not automatic. Grant of back wages is also not automatic.”

Workman of the instant case was not appointed by following due procedure and as per rules. He had rendered service with the respondent as a casual worker, thus, Compensation of Rs. 50,000/- (Rs. Fifty thousand only) by way of damages as compensation to the workman/claimant by Management after expiry of period of limitation of available remedy against Award. That will meet the ends of Justice.

Thus Reference is decided in favour of workman and against Management.

Ex-parte Award is accordingly passed.

Dated:-25.11.2014

HARBANSK KUMAR SAXENA, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 2014

का.आ. 3192.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/74/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 08/12/2014 को प्राप्त हुआ था।

[सं. एल-40012/37/2006-आई आर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th December, 2014

S.O. 3192.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D No. Case No. CGIT/NGP/74/2006) of the Central Government Industrial Tribunal Cum Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Department of Post and their workman, which was received by the Central Government on 08/12/2014.

[No. L-40012/37/2006-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE SHRI J.P.CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/74/2006

Date: 11.11.2014.

Party No.1 (a) : The Senior Superintendent of Post Offices,
Akola Division,
Department of Post,
Civil Lines, Akola,
Taluka & Distt. Akola,(M.S.)

(b) The Post Master,
Sub Post Office (HSC-II),
Department of Post,
Manglurpir,
Post Office Manglurpir,
Washim(M.S.)

(c) The Post Master General,
General Post Office,
Department of Post,
Nagpur & Vidarbha Region,
Civil Lines, Nagpur.

Versus

Party No.2 : Shri K. Razique Ahmed,
S/o Shri Nisar Ahmed,
R/o Manglurpir,
P.O. Manglurpir,
Washim (M.S.)

AWARD

(Dated: 11th November, 2014)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) (“the Act” in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Department of Post and their workman, Shri K. Razique Ahmed, for adjudication, as per letter No.L-40012/37/2006-(IR (DU)) dated 20.10.2006, with the following schedule:-

“Whether the action of the management of Post Offices through Post Master, Sub Post Office, Manglurpir and Post Master General, Vidarbha Region, Nagpur(MS), in termination of services of Shri K. Razique Ahmed w.e.f.22.08.2000 is legal and justified? If not, to what relief the workman is entitled?”

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri K. Razique Ahmed, (‘the workman” in short), filed the statement of claim and the management of Post Offices (“Party No. 1” in short) filed their written statement.

The case of the workman as projected in the statement of claim is that he was appointed by the party No.1 for the first time in the month of October, 1996 and worked for 31 days in place of Shri G.N.Ugle and in the year 1997, he was appointed in the post of messenger and worked for the whole year i.e. for 365 days and there after he was again appointed in the post of messenger in the month of February, 1998 and worked as such till 21.08.2000 and from 1997

to 2000, he worked as a messenger under the control of the Post Master, Sub Post Office (HSC II), Manglurpir, Washim and his services were terminated on 22.08.2000 without giving him any prior notice in writing or without assigning any reason for his termination and without compliance of the mandatory provisions of section 25-F of the Act and neither one month's notice nor one month's pay in lieu of the notice nor retrenchment compensation was given to him, before termination of his services, so, his termination from services is illegal and bad in law and party No.1 without following the due procedure of Law terminated his services and also appointed a new person, Shri Balesh Shikare, without giving him any preference.

The workman has further pleaded that party No.1 did not publish any seniority list and gave preference to a junior person and appointed a new person in violation of the provisions of section 25-G of the Act and rule 77 of the Industrial Disputes (central) Rules, 1957 and his service record was clean and unblemished and no adverse remark was recorded against him and though he submitted several request letters to party No.1 to consider his difficulty and to reinstate him in service, his request was not considered, so, he issued a notice to party No.1 to on 04.09.2000 requesting to reinstate him in service, but inspite of such notice, party No.1 did not take any action and in 1997, he worked for more than 240 days and he also worked continuously from 27.03.2000 to 01.07.2000, i.e. for 96 days and therefore, he is entitled for reinstatement in service with continuity and full back wages.

The workman has prayed for his reinstatement in service with continuity and full back wages.

3. The party No.1 in the written statement has pleaded inter-alia that the workman was never appointed by them and he was engaged by the E.D. employees of Manglurpir Sub Post Office as their substitute to work in the said post office, in their place as a substitute, during the period of their leave and as he was never appointed by them, he was neither a permanent nor a temporary employee of the department of post and as such, no termination letter was served on him and there is no such provision in the Rules of the Postal Department and as such, the question of termination of the services of the workman without following the due process of law does not arise at all and they had prepared the seniority list of the E.D. employees and as the workman was not appointed by them either as permanent or temporary employee, there was no question of including of his name in the seniority list.

The party No.1 has further pleaded that as per office record, the workman was engaged by Shri G.N.Ugale, Shri P.C.Parande, Shri M.S.Bibekar, Shri A.D.Sonene and Shri A.G.Kale, the E.D. employees of Manglurpir Sub Post Office as their substitute and the workman was engaged by Shri G.N.Ugale for the periods from 01.10.1996 to 22.10.1996 and 30.10.1996 to 31.10.1996, by Shri P.C.Parande for the periods from 29.04.1997 to 31.07.1997, 02.02.1998 to 11.02.1998, 21.02.1998 to 28.02.1998, 02.03.1998 to 07.03.1998, 27.04.1998 to 30.04.1998, 01.05.1998 to 06.05.1998, 08.05.1998 to 09.05.1998, 12.05.1998 to 15.05.1998, 01.06.1998 to 04.06.1998, 18.06.1998 to 26.06.1998, 29.06.1998 to 04.07.1998, 07.08.1998 to 13.08.1998, 20.08.1998 to 25.08.1998, 31.08.1998 to 03.09.1998, 07.09.1998 to 16.09.1998, 06.10.1998 to 09.10.1998, 12.10.1998 to 17.10.1998, 14.11.1998 to 21.11.1998, 17.12.1998 to 24.12.1998, 06.01.1999 to 13.01.1999, 15.01.1999 to 29.01.1999, 02.02.1999 to 15.02.1999, 09.03.1999 to 13.03.1999, 22.03.1999 to 27.03.1999, 12.04.1999 to 23.04.1999, 03.05.1999 to 15.05.1999, 07.06.1999 to 12.06.1999, 16.06.1999 to 23.06.1999, 05.07.1999 to 13.07.1999, 26.07.1999 to 31.07.1999, 16.08.1999 to 20.08.1999, 14.09.1999 to 25.09.1999, 08.11.1999 to 16.11.1999, 24.11.1999 to 27.11.1999, 09.12.1999 to 18.12.1999, 27.12.1999 to 31.12.1999, 03.01.2000 to 123.01.2000, 21.02.2000 to 29.02.2000, 06.03.2000 to 15.03.2000 and 27.03.2000 to 01.07.2000, by Shri M.S.Bibekar for the periods from 09.03.1998 to 27.03.1998, 26.03.1998 to 28.03.1998, 04.04.1998 to 07.04.1998, 25.04.1998, 26.11.1998 to 25.12.1998, 24.01.2000 to 25.01.2000, 07.02.2000 to 08.02.2000 and 01.03.2000 to 07.03.2000, by Shri A.D. Sonone for the periods from 09.02.2000 to 18.02.2000 and 21.03.2000 to 25.03.2000 and by Shri A.G.Kale for 31.01.2000 and the workman never worked for 240 days and the E.D. employees of Manglurpir Sub Post Office proceeded on leave and engaged the workman as their substitute on their responsibility during their respective leave periods as per the Rules and the allowances of the E.D. employees were paid to the workman and the engagement of the workman as substitute was approved on the clear understanding that he would be discharged by the leave sanctioning authority any time without assigning any reason and such fact was clearly mentioned in each leave sanction memo issued by the SPM, Manglurpir and as per GDS (Conduct & Service) Rules, 2001, the GDS, i.e. E.D. employees are entitled to such leave, as "claimed leave" and during the leave period, every E.D. has to arrange

4. No rejoinder has been filed by the workman.

5. Besides placing reliance on documentary evidence, both the parties have led oral evidence in support of their respective claim.

The workman has examined himself as a witness to prove his case, whereas, one Pandurang Gedam has been examined as a witness on behalf of the party No.1.

6. In his examination-in-chief on affidavit, the workman has reiterated the facts mentioned in the statement of claim. He has also proved the documents filed by him as Exts W-IV to W-XXXIX. In his cross-examination, the workman has admitted that he was working as extra departmental messenger and no appointment order was issued by

the concerned authority in his favour and Shri M.S.Bibekar was working as an extra departmental messenger in Mangrulpur Sub-Post Office and whenever he was going on leave, he was giving charge to him to work as extra departmental messenger and Shri P.C.Parande was working as the Sub Post Master of the said post office and whenever he was going on leave, he was handing over the charge to him (workman) to work in his place temporarily and Shri A.D.Sonawane was also working as a regular EDM and whenever he was going on leave, he was keeping him(workman) in charge of his work temporarily and the charge reports filed by him are for taking temporary charge of the E.D. messengers and Sub Post Master and handing over the charge by him again to them on their resuming duties and the charge reports submitted by him relate to his working intermittently in the leave absence of the regular Sub Post Master and E.D. messengers during the period from 04.04.1998 to 01.07.2000 and the regular E.D. messengers and the Sub-Post Master were giving charge to him to work temporarily on their own risk and he had received the payments for the periods for which he worked in the Post Office.

7. The evidence of the witness examined on behalf of the party No.1 on affidavit is more or less in the same line of the stands taken by the party No.1 in the written statement.

In his cross-examination, the witness for the party No.1 has denied the suggestions that the workman was appointed at Mangrulpur Post Office as Extra Departmental Delivery Agent temporarily and he was working as a temporary workman.

On scrutiny of the evidence of the witness examined on behalf of the party no.1, it is found that has evidence has virtually remained unchallenged.

8. At the time of argument, it was submitted by the learned advocate for the workman that the workman was appointed by the party No.1 for the first time in October, 1996 and he worked for 31 days and then, he was appointed as a messenger in 1997 and worked for the whole year and again he was appointed as a messenger in February, 1998 and worked continuously till 21.08.2000 and without any reason or compliance of the mandatory provisions of section 25-F of the Act, the workman was terminated from services by the party No.1 on 22.08.2000 and such termination of the workman is illegal and after termination of the workman from services, the party No.1 engaged a fresh hand in his place, in violation of the provisions of section 25-G of the Act and there was violation of Rule 77 of the Rules as party No.1 failed to publish any seniority list and inspite of repeated request by the workman, party No.1 failed to considered his demand for reinstatement and after his termination from service, the workman is not gainfully employed and the workman is entitled for reinstatement in service with continuity and full back wages.

9. Per contra, it was submitted by the learned advocate for the party No.1 that the workman was engaged as a substitute during the leave periods of the regular employees and he was never appointed by party No.1 as E.D. employee and on joining of the regular E.D. employees, the workman was discontinued at every time and his last such discontinuance was on 22.08.2000 and as the workman was never appointed by party No.1, there was no question of his termination on 22.08.2000 and the workman in his cross-examination before this Tribunal has categorically admitted such facts. It was further submitted that the workman lastly worked as a substitute till 20.08.2000 and he approached the Tribunal in 2008 and as such, the claim of the workman is a stale and belated claim and therefore, the same cannot be considered and the workman is not entitled to any relief.

In support of the submissions, the learned advocate for the party No.1 placed reliance on the decision reported in 2011(4) MhLJ-33(Executive Engineer, Public Works Department, Wardha Vs. Namdeo).

10. The first question raised by the learned advocate for the party No.1 is that there is a delay of about 8 years in raising the dispute by the workman and such delay has not been explained by the workman and as such, the claim is a stale claim and the same cannot be considered.

However, I find no force in the contention raised by the learned advocate for the party No.1, as because, in the decision cited by the party No.1 itself, the Hon'ble High Court have held that whether relief to the workman should be denied on the ground of delay or it should be appropriately molded by denying full or partial back wages is a matter of discretion, which should be judicially exercised depending upon the facts and circumstances of the case and no fixed formula can be laid down.

It is also clear from the said decision that the Hon'ble Apex Court in a number of decisions have held that:

“It follows, therefore, that the provisions of Article 137 of the schedule to the Limitation Act, 1963 are not applicable to the proceedings under the Act and the relief under it cannot be denied to the workman merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the Labour Court can be generally questioned on the ground of delay alone. Even in a case when the delay is shown to be existing, the tribunal, labour court or board, dealing with the case can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment/termination or dismissal. The court may also in appropriate cases direct the payment of part of the back wages instead of full back wages.”

In this case, the plea of delay taken by the party No.1 is merely a hypothetical defence. It is not the case of the party No.1 that due to the delay, material evidence relevant to adjudication being lost and rendered not available. Hence, the delay in raising the dispute in this case is held not to be fatal.

11. Perused the record and considered the submissions made by the learned advocates for the parties. From the own evidence of the workman and the documents, Exts. W-IV to W-XXXV, it is found that the workman was never appointed by the party No.1 as a messenger as claimed by him. On the other hand, it is found that he was engaged as a substitute by the Extra Departmental Employees, namely, Shri M.S.Bibekar, Shri P.C.Parande, Shri A.D.Sonowane and others, whenever they were going on leave and he was the only person, who was working temporarily a substitute, in the said Post Office, in leave vacancy.

12. It is also found that the Posts and Telegraphs Extra Departmental Agents (Conduct and Service) Rules provides that during leave, every E.D. Agent should arrange for his own work being carried on by a substitute who should be a person approved by the authority competent to sanction leave to him and the allowances normally payable to an E.D. Agent shall during leave be paid to the approved substitute provided by him. It is clear from the documents, Exts. W-IV to W-XXXV that the same are charge reports of either the workman taking charge of the duty from the Extra Departmental Messengers temporarily on their being proceeded on leave or handing over the charge to them on their resumption of duty. Moreover, except his own oral evidence on affidavit, the workman has not adduced any other evidence to show that in fact he had worked for 240 days in the preceding 12 calendar months of 22.08.2000, the alleged date of his termination. From the materials on record, it is found that the workman is not entitled to the benefits of Section 25-F of the Act. Hence it is ordered:

ORDER

The reference is answered in the negative and against the workman. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 2014

का.आ. 3193.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाप्रबंधक, भारत सरकार टकसाल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 03/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 03/12/2014 को प्राप्त हुआ था।

[सं. एल-16011/02/2011-आई आर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th December, 2014

S.O. 3193.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**I.D. No. Reference No. 03/2012**) of the Central Government Industrial Tribunal-cum- Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the **General Manager, India Government Mint** and their workmen, which was received by the Central Government on **03/12/2014**.

[No. L-16011/02/2011-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 03 of 2012

Parties: Employers in relation to the management of the
General Manager, India Government Mint

AND

Their workmen

Present: Justice Dipak Saha Ray, Presiding Officer

Appearance:

On behalf of the Management : None.

On behalf of the Workmen : None.

State: West Bengal. Industry: Mint.

Dated: 25th November, 2014.

AWARD

By Order No.L-16011/02/2011-IR(DU) dated 08.02.2012 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of India Government Mint, Kolkata under SPMCIL, of delay in publication of seniority list of industrial staff as per combined service and to allow absorption of retired employees as consultant in India Government Mint, Kolkata under SPMCIL is justified? What relief the union is entitled?”

2. When the case is taken up today for hearing, none appears on behalf of either of the parties. It appears from the record that the union at whose instance the instant reference has been made has not turned up since 24.07.2014. Considering the above facts and circumstances and the conduct of the union, it may reasonably be presumed that the union is not at all interested to proceed with the case further.

3. Considering the above facts and circumstances, it appears that no fruitful purpose will be served in keeping the matter pending.

4. Instant reference is accordingly disposed of by passing a “No Dispute Award”.

Justice DIPAK SAHA RAY, Presiding Officer

Dated, Kolkata,

The 25th November, 2014.